The Collapse of Keynesianism *Melville J. Ulmer*

THE NEW REPUBLIC

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A Journal of Politics and the Arts—May 5, 1973, 50 cents

There Can't Be A Quick Fix

The Editors

Shielding the Press—*Joseph A. Califano*

A Touch of Pity—*John Osborne*

Gas Pains—*William K. Wyant*

Anxious Japan—*Stanley Karnow*

State of Siege—*Stanley Kauffmann*

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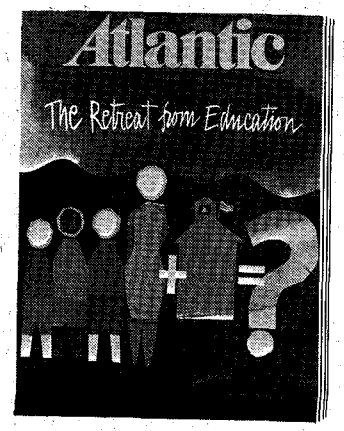

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TRB

from Washington
May 5, 1973

Feeling Queasy

A worn black attaché case loosely stuffed with $200,000 in $100 bills was, on April 10, 1972, secretly handed to Maurice Stans, former secretary of Commerce and then Mr. Nixon's chief money-raiser. The cash came from Robert L. Vesco, charged in a $224 million securities fraud case. Vesco badly wanted his lawyer to see the head of the Securities and Exchange Commission who, he charged, was harassing him. He asked John Mitchell, former attorney general but now managing the Nixon campaign, to get the interview. After the money was received, Mitchell did arrange the meeting. Vesco thought the $200,000 was a good bet though SEC did not drop the suit against him.

Stanley Goldblum, former chairman of the Equity Funding Corporation of America, which the SEC charges with having perpetuated a $2 billion insurance fraud, gave, according to the General Accounting Office, stock valued at $30,000 to selected Nixon reelection committees *after* Mr. Nixon was overwhelmingly reelected. The SEC investigation of Equity hadn't begun, but perhaps Goldblum thought he was taking out some kind of an insurance policy.

At about the time the International Telephone & Telegraph Co. pledged $400,000 to underwrite the GOP convention at San Diego, the Justice Department withheld an antitrust suit that might have blocked the largest merger in corporate history, ITT-Hartford Fire Insurance Co.

Dairy interests who benefited from the administration's reversal on milk price supports contributed $417,000 to the Republicans in 1972, and a dairy official explained to members a little self-consciously, "whether we like it or not, this is the way the system works."

And so on. Do incidents like these, and others, constitute a pattern?—and is there some general decay of public morality centering, suspiciously, around the Nixon administration? It is the Watergate scandal, of course, that brought the matter to a head. I think the answer probably is No. The problem goes deeper.

Actually there was something very much like Watergate in Mr. Nixon's race in California for governor against Edmund G. (Pat) Brown in 1962. A lot of the people then on the Nixon team came later to the White House. Chief of staff H. R. (Bob) Haldeman ran a phony poll by a phony political organization whose secret funds were in violation of California law. It was called "Committee for the Preservation of the Democratic Party in California" and was supposed to rescue the Democrats from the subversives and radicals. It was the old Nixon stuff. Haldeman denied having anything to do with it. But a suit was pressed against him and 10 months later, after the election, Haldeman, under oath, admitted that he had financed and operated the committee, and the local judge found that he, and his principal, Mr. Nixon, personally approved the scheme.

While this kind of thing gives sensitive people queasy feelings, Mr. Nixon was elected President twice in spite of it and in spite of a political lifetime that gave him the nickname Tricky Dick. So what? It was no sudden debasement of middle-class values. The electorate shrugged. Now Watergate, which happened, it should be remembered, during a demoralizing war.

American morality often declines *after* a war when all the fervor is drained; there was the Gilded Age of Mark Twain after 1865; the young men had been killed and Jay Gould and Jim Fiske took over; there was Teapot Dome and Harding and his crew after World War I. But the let-down then came after the heroic effort. In Vietnam it was worse; there was no heroic feeling even during the war. The idealism was all the other way. Young men were conscripted to go to Asia and kill little brown people. At Mylai US troops slaughtered 347 unarmed men, women and children. For this massacre one junior officer got a suspended sentence. For 10 years Congress let Presidents do what they wanted in Vietnam and voted the money. And today in Cambodia B-52s and fighter bombers have pounded the countryside for six weeks to keep the corrupt Lon Nol regime in power. It is estimated that half of the population are refugees. There is little constitutional justification, if any, for these actions, but the country is not greatly stirred. We were lied to about Tonkin Gulf and Mylai. Well, too bad—Mr. Nixon brought the boys home, didn't he? We want badly to believe in Peace with Honor; we want to believe.

Congress shows some signs of moral exhaustion; it was shocked by Mr. Nixon's startling claim to executive privilege and by the impoundment of funds, but what does a legislature do that has obediently run on leash for 10 years in an undeclared war? It has learned to go along.

Who has the energy anymore to aid the poor, to defend OEO, to institute a national system of health insurance that the US alone among great powers, lacks; or even to reform the cruelly unequal tax laws? Congress is trying chiefly to preserve the powers it thought it already had. In the course of this, fortunately it is being forced to reform its own budgetary procedures, which can be one of the greatest forward steps in a generation.

We are all outraged at Mr. Nixon now, not because his trusted supporters bugged and burgled, but because they committed the unforgivable sin of being found out. He has let them demean the presidency. We are angry at him because he has embarrassed us.

His staff did not try to enrich themselves. They did it out of a zealous effort to preserve supposed American values in which they had a chilling and self-righteous faith; they lived in an isolated world that was almost a court. It was a suspicious court, constantly fearful of conspiracy. It was a court of extraordinary arrogance and credulity. They really believed they could sustain their cover-up and when this failed, could declare all previous declarations "inoperative."

Now come the indictments. It will be awful. It appears to be the most pervasive misconduct of any administration in our history. As we write this, the White House aides are trying to abandon ship before the women and children. There seems no end to it and Mr. Nixon, who vowed "no pity" to criminals, deserves compassion.

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There Can't Be A Quick Fix

Those who soon may be indicted—whether for perjury, obstruction of justice, campaign fund violations, bribery or being part of the original Watergate conspiracy—may either refuse to appear before the Ervin Select Senate Committee in advance of their trial or take the Fifth Amendment. But the prospect of losing some star witnesses is a blessing rather than a setback. It will permit the senators to avoid early partisan conflicts that almost certainly would break out were present White House staff members among the first called to testify. Perhaps the senators could start with the opening of the offices of the Committee for the Re-election of the President in March 1971. Financial records of its first year are slowly being turned over to lawyers for Common Cause as part of their lawsuit against the Nixon committee, and these records, of expenditures as well as contributions before April 7, 1972, are apparently available for subpoena by Congress. Mr. Agnew underestimates when he says that "not much reliable information is currently available."

While the Nixon campaign organization was being formed and initial funds being raised in the spring of '71, the President's ratings in the Gallup poll were falling, and in test runs against Senator Muskie in June, Nixon ran behind. It was against that background that the initial strategy was devised in the White House. Two men later convicted as Watergate conspirators, E. Howard Hunt and G. Gordon Liddy, joined the White House staff the following month. That same July, Donald J. Segretti, just out of the army, approached a former military buddy and suggested the two of them work for the Republicans by playing "dirty tricks" on Democratic candidates. One proposed trick: sending a Harris poll that questioned Senator Edward Kennedy's "personality and leadership qualities" around to Democrats in an envelope with Senator Muskie's name on it. The mailing went out July 28, 1971, to the embarrassment of both Kennedy and Muskie. The sender is still not known. Again that month, Bernard Barker, a friend of Hunt's from CIA days and another of the convicted Watergate conspirators, quit his job with the Latin American Benefit Center in Miami and set himself up as a real estate broker under the name of Barker Associates. Shortly thereafter, James McCord, Jr., a former CIA employee, became a consultant to the Nixon committee and established his own firm, McCord Asso-

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ciates. By the end of the year, the convicted conspirators were all in place. Hunt, Liddy and Segretti went about recruiting. Several individuals could be asked to tell the Ervin committee how it was done.

Robert Bennett Fletcher, nephew of a former boss of Hunt's and a college student in early 1972, testified at the Watergate trial that he gave Hunt the name of Thomas Gregory, a Brigham Young University undergraduate who subsequently came to Washington to work as a spy—first at Muskie headquarters, later at McGovern headquarters. Paid $175 in cash each week, Gregory supplied Hunt with information on candidate scheduling, campaign contributors, dissension among staff and speech topics being considered. Gregory became uneasy when he was called in to help with the attempt to bug McGovern headquarters and quit the weekend of the Watergate break-in.

Jack Stewart, a former CIA colleague of Hunt, knew Bernard Barker from the early 1960s when both worked on the ill-fated Bay of Pigs invasion. On February 1, 1972, Stewart—at the suggestion of Hunt—flew to Miami to be briefed by Barker on what was to be done when the Democrats gathered in convention. Barker showed him a series of folders, each describing various strategems. At the Watergate trial, government prosecutor Silbert indicated he had those folders. The Ervin committee should get copies. They showed, Silbert said, "planning an operation against some party leaders, specifically [chairman] Larry O'Brien." Stewart was told hotel rooms had been reserved by Barker near rooms to be occupied by leading Democrats. He was assured there would be no trouble getting access to the party leaders' rooms. Stewart was taken to the convention hall and shown a houseboat in Biscayne Bay that was to serve as a center for collecting and distributing the espionage information. Stewart flew home that night and decided to turn down Hunt's offer. however, since the "method of payment and tax/retirement fund problems make acceptance impossible."

Jack Bauman, another former CIA colleague of Hunt, was asked to join the band as a recruiter of additional former CIA operatives. Bauman, a retired CIA security specialist, met with Hunt and Liddy in Miami in early 1971. Later he flew to Washington, saw Hunt, and in a subsequent letter wrote that, "The person I wanted to make contact with no longer holds a position of value." He added, however, that he had "drinks with a contact in the Savarin Restaurant" at the railroad station. "In the event anything comes of my most cautious inquiries which may prove to be an avenue which I think you and your friends should explore, I'll immediately contact you and provide you with entrée." Bauman said he would not participate himself,

The Muskie organization believes in retrospect that the infiltrators were effective. Campaign director Berl Bernhard recalls that closely held staff papers disappeared. A New Jersey poll taken by the Muskie people in the summer of 1971 was stolen, as was a New Hampshire poll later in the year.

The two most publicized efforts to sabotage the Muskie campaign deserve full investigation by the Ervin committee. The first is the "Canuck" letter. An

"By golly!" cried Dick as he swung to safety, "someone will pay dearly for this!"

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alleged retired Maine fisherman wrote the Manchester *Union Leader* charging that Senator Muskie used the word "Canuck" in a derogatory fashion. Published on the newspaper's front page, it, along with a nasty article on Mrs. Muskie, provoked the Senator's famous tearful speech in the snow. It was subsequently reported in *The Washington Post* that White House aide Kenneth Clawson told a former colleague that he had written the letter. Clawson has denied it. Among the new Nixon finance records turned over to Common Cause is an expense file for Clawson—one of the few White House aides who ran up campaign expenses during the pre-April 1971 period.

The same records might contain leads on a second anti-Muskie maneuver—telephone calls, most of them late at night or in the early morning, to New Hampshire voters from a "Harlem Committee for Muskie." According to complaints received at Muskie headquarters, the callers had "Negro accents" and telephoned not once but twice or more. Financial records now available contain extensive reports on the Nixon New Hampshire primary telephone operation. McCord spent some time in New Hampshire as well as in Florida and can be asked by the committee exactly what he and his associates did.

The Nixon group likewise kept close tabs on what they considered "radical groups." During the Watergate trial, Robert Odle, a reelection committee official, testified that McCord was plugged into the Federal Bureau of Investigation. Robert Lee Houston, an aide to McCord, testified that part of his job was to record information received from the FBI on peaceniks and radicals. Recent news stories allege that McCord told the grand jury that former Attorney General John Mitchell arranged to have pertinent FBI reports delivered to the reelection committee. The Ervin committee ought to get to the bottom of these allegations.

Likewise the zeal of Mr. Nixon's "new" prosecutor, Assistant Attorney General Henry Peterson, deserves scrutiny. It was Peterson, a John Mitchell appointee, who, according to acting Director L. Patrick Gray, decided to limit the FBI investigation solely to a violation of the interception-of-communications statute, blocking an early inquiry into campaign fund violations and political espionage and sabotage. It was Peterson whose name was attached to an unusual Justice Department press release put out after Senator McGovern charged the Watergate indictments were a "whitewash." It is improbable that Peterson himself drafted the highly political language of the statement, which says in part, "Senator McGovern's charges are completely unfounded . . . Indeed, the investigations by both the FBI and the grand jury have been among the most exhaustive and far-reaching that I have seen in my 25 years in the department." Well, as an example of the FBI's exhaustiveness, Major General Leigh Wade (ret.), of Washington, whose name was listed in Bernard Barker's telephone book, says the bureau never got in touch with him. And Mrs. Clay Toppins of Waldorf, Maryland, whose name also appeared, says an FBI agent did arrange to meet her (she had seen Barker in May 1972), then cancelled at the last minute and never called back. In addition, government prosecutors never subpoenaed financial records from the Committee for the Re-election of the President, and even after Common Cause forced the Nixon group to produce records, the prosecutors never reviewed them.

There can't be a quick fix by the President or a quick investigation by the Senate. There's too much still to be discovered and too much at stake.

Hanoi Next?

It is not a sign of insensitivity to the discomfort being suffered at the White House to note that none of those implicated in the '72 campaign skullduggery are in danger of losing their lives. By contrast, though the agony is not spread over the front pages, Cambodians are losing theirs—unless US B-52s are hitting nothing but deserted countryside or abandoned temples—and Laotians are losing theirs. B52s hit Laos last week for the first time since February 23.

Carry the contrast further: what would the White House reaction be if Russian heavy bombers were attacking a small country of farmers and fishermen halfway around the world? Would the President understand that the Russians were driven to do it by some vague commitment? The parallel is unthinkable, of course, for it implies a doubt about whether the adversary's intentions are always evil and ours always honorable. Any such doubt weakens the faith that what America does, it does for the greater good, and Asians who can't hit back don't count.

Smaller than Oklahoma, Cambodia has less than half the population of Shanghai. Most of it lies in the lower Mekong; in terms of international politics, it is a peripheral piece of geography. The fighting that is going on is essentially a civil war between the Khmer Rouge (Communist) faction, and a government composed of old-line military and civil servants. The Khmer Rouge were defeated in 1946-47 by nationalist forces led by Prince Norodom Sihanouk and during the '50 and '60s were inactive and of little consequence. That is no longer true. It is the nominal rulers in Pnompenh whose authority has dwindled, and their antagonists, including the presumably discredited former Chief of State Sihanouk, who suddenly loom large.

In 1967, three members of Sihanouk's government, all leftists, "disappeared," and rumors were widely spread that he had murdered them. But in press photographs of Sihanouk's trip last month to Cambodia (a

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trip his critics claimed was impossible, because he had too little support from China and from the Khmer Rouge), the three men were seen with Sihanouk and appear to represent the leadership of the anti-government forces. Those forces now control 60 percent of the territory, about 40 percent of the Cambodian population, and are gradually reorganizing the life of the villages. The three leaders are Khieu Sam Than, 43, who has a doctor's degree in economics and was once minister of commerce and a deputy in the national assembly; Hou Youn, 45, who has a doctorate in economics from the University of Paris and was a former minister of planning and economic affairs; and Hu Nin, 41, who has a law degree, was a deputy in the national assembly and a member of several cabinets.

There is not much incentive for the Khmer Rouge to take the lead in negotiating with the beleaguered Lon Nol government in Pnompenh, because they are doing quite well in the countryside. On the other hand, they have a strong interest in seeing that Cambodia remains a political and geographic entity, and if the Lon Nol government simply collapses, there is the danger of the South Vietnamese occupying parts of Eastern Cambodia, and of the Thais biting off a former province in the west which they have long coveted, leaving a truncated Cambodia.

Left alone, the odds are that the Cambodian factions could work out their differences. They are related by blood, all are acquaintances, all want to preserve the integrity of their country. The US bombing may succeed in keeping some variation of the old-line coalition in power in Pnompenh for weeks or months, but it will also help the Khmer Rouge expand their authority until there is nothing much to negotiate. A harder line Communist movement is likely to take over, without the ameliorating role that Sihanouk could play.

"We're bombing Cambodia because it's there."

What with Henry Kissinger occupied writing a charter for a new Atlantic partnership, we have not had the kind of sophisticated justification we might otherwise have had for the resumption of US bombing. Dimmer lights in the administration have put forth explanations, however. The State Department's Charles W. Bray III asserts that we are serving "well-known principles of international law." He refers to a 1969 convention on the law of treaties, which states that, "The material breach of an international agreement by one party entitles the other party to suspend operation of the agreement in whole or in part." Agreement with whom? The Cambodians signed nothing in Paris. Nobody asked their permission to agree to anything. And nobody agreed to any deadline for the withdrawal of anyone's troops from Cambodia. What Mr. Bray seems to mean is that Cambodia is being bombed because North Vietnam has resumed hostilities, thereby jeopardizing the cease-fire in South Vietnam. But the State Department has offered no evidence of any substantial or even insubstantial military activity by North Vietnamese troops in Cambodia. On the contrary, American reporters in Pnompenh reported on April 20 that our officials there know of no documented evidence that Vietnamese Communist troops have had any combat role in Cambodia since the signing of the Paris agreement—an agreement incidentally which binds *all* sides to halt "all military activities in Cambodia and Laos."

Secretary of Defense Richardson sees the bombing as "signals of possible retaliatory action," signals that to date include the suspension of all US mine-clearing operations along the coast of North Vietnam (in violation of the Paris agreement), the recall of the chief American official in the Paris negotiations on possible reconstruction aid to the North, and the resumption of aerial reconnaissance of North Vietnam. We trust there is a corner of Secretary Richardson's conscience that is troubled by the idea of bombing X in order to signal Y. Or will it not be troubled until more than two US planes are shot down over Cambodia? The humpty-dumpty piece has fallen off the wall and it takes considerable optimism to believe that it will be put back together again when Mr. Kissinger renews his talks in Paris with Hanoi.

How might Congress respond to resumed hostilities? Will it again uncomplainingly ride the escalator? The first test came two weeks ago, when the defense subcommittee of the House Appropriations Committee approved a $500 million supplemental at the re-

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quest of the Pentagon, at least $150 million of which covers unanticipated expenditures for Southeast Asia, namely, the Cambodian bombing. The supplemental now goes to the full Appropriations Committee, which is expected to report it to the House floor around May 8. If the House approves, the bill then will be taken up in the Senate, and we will know what Republican minority leader Hugh Scott means when he says "we ought to get out as soon as we can," and whether there is, as he says, a "very definite possibility" that Congress, finally, will cut off appropriations in order to force the administration to get out and stay out.

Clean Air and Cars

State governments are no readier than Detroit to meet the 1975 clean air deadlines set by Congress in 1970. Twenty-one states and the District of Columbia were supposed to have drawn up by April 20 traffic-control plans for 30 cities that the Environmental Protection Agency says have particularly bad air pollution, caused mainly by cars. They didn't do it. Then, four days before all these plans were due, EPA gave Detroit a year's grace to meet carbon monoxide and hydrocarbon standards. That may be all the excuse most states need to beg off schedules they were never inclined to meet anyway. Seven have again filed for extensions to 1977. In Houston, one of the most auto-polluted cities in the country, officials say they will meet the standards without any controls, a ludicrous claim.

In rural states, which are the big supporters of the highways and the highway trust fund, the air is already cleaner than EPA's national standards require, and so they need not draw up traffic control plans. It's the big cities and big-city states that are hard-pressed by the 1970 clean air amendments. Congress made clear, in large metropolitan areas, its intention to get states to change commuter habits, not just pollution levels. It wanted auto emissions reduced 90 percent by 1975. A Senate committee report seemed to think cities might by then reduce traffic up to 75 percent.

For the millions of Americans who commute by car, traffic control plans are a vague threat. How are people to get about? In most states, there is no mass transit system, rapid or otherwise. The House of Representatives has once more beaten back a modest plan to open up the $5.6 billion highway trust fund to permit $700 million in aid for mass transit. So pollution control authorities fall back on hardware solutions, like emission control retro-fitting for older vehicles. Often that means not only a tax on the consumer to do Detroit's work, but a regressive tax, which tends to penalize the owners of the oldest automobiles.

To ban traffic, or even raise rates on parking lots, state and local environmental agencies need broad legal powers that don't exist in many states. "Control-plans" are often no more than wish-lists. Some of the agencies were originally set up like public health councils; they have about as much clout and are reluctant to take on powerful state highway departments.

State officials like Frank Munroe of the New Jersey Department of Environmental Protection say mass transit is a long-run solution, but 1975 isn't the long run, it's practically around the corner. Authorities like Munroe are more familiar with emission controls than traffic controls. "So long as you have a dozen cars stopped at a light anywhere in New Jersey," he says, "you'll have a carbon monoxide problem." Across the state border, Pennsylvania planners take a different view. They say emission devices are fragile, expensive and an administrative nightmare to inspect and maintain. Nor does emission control, they feel, alleviate the other environmental problems cars create—noise, congestion, the destruction of the urban landscape. "Maybe nothing will ever clean up the air," one says, "but mass transit has a lot of other benefits than clean air." It does, but who's to pay for it? Meanwhile it's a daring governor who will price commuters out of the auto market by raising parking rates and bridge tolls or springing emergency traffic bans every August.

The highway lobby still has the power to force cities to build roads with every dime from the trust fund, despite the fact that it is impossible to put any more highways in most cities, and despite rising community protest. Seattle voters block every highway they can, and Dade County officials in Florida say the only way they can build another highway in Miami is by enlisting the National Guard. Boston, where 160,000 cars vie for 28,000 offstreet parking places, has an official ban on highway construction.

Because the clean air crisis is part of the mass transit crisis, both of which are part of the energy crisis, the EPA has begun to shape up as the country's first growth-planning agency. If the states default on traffic control, then EPA must under the law enforce any technically feasible measure that will meet the clean-air goals. Final plans, the courts have said, must not only include transportation but land-use; for example, the location of central shopping centers and industrial parks. Since the only criterion EPA can use to evaluate a plan is the public health, it is supposed to ignore cost-benefit problems. It's quite an assignment.

Students and Panthers

Two years ago a radical coalition won three of the nine seats on the Berkeley, California city council and helped elect a sympathetic black mayor. Their game plan was to control the city government by 1973 by allying the votes of students and blacks. It didn't work

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out that way. The mayor turned out to be not so sympathetic after all. The three radical council members—one white woman and two black men—soon split over personal and ideological matters and eventually the black men dropped out of the coalition. The radicals hoped to capture at least two and preferably four council seats in last month's election. They got one, and their prospects for 1975 now seem dim.

One can't draw any national significance from any Berkeley election. The city has no Republican Party worth mentioning. The political spectrum begins at the middle and moves left. But the vote on April 17 may end dreams of student-based political power. It had been thought that enactment of the 18-year-old vote would give radical coalitions a boost in college communities. Berkeley radicals conducted an intensive voter registration drive and saturated the campus area with literature and precinct workers. The turnout in student precincts was 60 percent, compared with 80 percent in 1971. "The only thing that gets students moving is to hit them over the head or tear-gas them, and that hasn't happened in the last few years," one organizer commented. By contrast, the specter of a radical takeover was enough to stimulate a 75 percent turnout in the wealthy hills area.

Next door in Oakland, Black Panther Bobby Seale did better than expected in a mayoralty campaign that depended very little upon student ballots. Shedding his revolutionary style if not his objectives, Seale built an old-fashioned political machine in the Oakland ghetto and out-polled the labor-supported regular Democratic black candidate. Seale's citywide total of 20 percent put him far behind the incumbent mayor, John Reading, who fell just short of the 50 percent needed to avoid a run-off, but Seale had no expectation of winning. His intention was to gain respectability and power in the black community, and in that he succeeded. He and the Black Panthers are a force to be reckoned with in Oakland. They talk of future campaigns and initiatives, of pressuring city hall for programs and money, and they're being listened to. Mayor Reading, a Republican in this heavily Democratic city, made the fear of Seale his major issue, but he's ready to "sit down with him when this is all over and see if there isn't some area where we can mutually work together." If Seale winds up looking less like Mao Tse-tung and more like an Irish ward heeler that's fine with the mayor.

Good News

"The nation's two top Secret Service officials testified yesterday it is unlikely a mob storming the White House could reach President Nixon and that ample security defenses would make it unnecessary for him to escape through an available tunnel."

The Washington Post—April 25, 1973

Fattening on Fat

If the nonfiction top-ten lists are a guide, Americans are obsessed with dieting (well, sex too). The latest manifestation is the runaway best-seller by Robert C. Atkins: *Dr. Atkins' Diet Revolution*, which has sold more than a million hard-cover copies at $6.95 each and has become one of the greatest commercial successes in publishing history.

Obesity is a serious medical problem that afflicts upward of 30 percent of the American people. Statistical studies show that overweight individuals are more likely to suffer from heart attacks, diabetes and other major diseases. Hardly jolly in the face of such risks, fat persons have been susceptible to the sales pitches of a "diet industry" that grosses some $10 billion a year. The lure of hefty profits has drawn charlatans into the business.

The United States Postal Service has been the consumer's first line of defense against diet frauds. Because many of them involve coupons mailed from magazine advertisements, the postal service can intervene, and hundreds of fraudulent schemes have been so halted in recent years. Grapefruit diets, for example, arise almost as regularly as the moon (51 in 2 years), but other schemes are more ingenious. One offered a "miracle drug" for your bathwater: a few drops and your fat would float away. Postal officials laughed at that one at first, but when the coupons began bringing in some $10,000 a day, they took legal action to halt the company's incoming mail.

The problem of obesity and fad diets was recently the subject of hearings before the Senate Select Committee on Nutrition and Human Needs, and the first witness called by Chairman George McGovern was Dr. Atkins. *The Diet Revolution* holds out this mouth-watering prospect: "On this diet you are allowed to eat truly luxurious foods without limit—for example lobster with butter sauce, steak with bearnaise sauce, and not merely hamburgers, but rich tasting cheeseburgers . . . as long as you don't take in carbohydrates, you can eat any amount of this 'fattening food' and it won't put a single pound of fat on you." Gorging is permissible because of something Atkins calls a "fat mobilizing hormone": "the production of FMH is the whole purpose of this diet and the reason it works when all other diets fail." At the hearing Atkins was asked if he would cite any medical authorities who had endorsed or would endorse his diet. He declined.

In March the Council on Foods and Nutrition of the American Medical Association branded Atkins' diet "unscientific and potentially dangerous to health." A diet "very low in carbohydrate and rich in fat," warned the council, carries with it "a significantly increased risk of developing coronary heart disease" and "could be responsible for accelerating atherosclerosis." The diet could also "cause a significant increase in the

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blood uric acid concentration."

In an interview published in *New York* magazine, Atkins acknowledged some of the dangers. For example "kidney stones are a conceivable complication resulting from increased uric acid." He also admitted that the state of ketosis (a condition brought on by carbohydrate deficiency) could be dangerous to unborn children: "I now understand that ketosis during pregnancy could result in fetal damage." Although he claimed that none of his patients had ever had this happen, "if anyone wants a retraction, I'll be glad to give one." Such candor was absent in his appearance before the McGovern committee. Perhaps on the advice of his lawyer who accompanied him, Atkins said, "*there exists not one shred of evidence that this diet causes any maternal or fetal complication.*"

The key to the Atkins diet is the putative "fat mobilizing hormone," but one of the medical scientists who Atkins claims discovered it contradicts him. In a letter to the committee, Dr. G. L. S. Pawan of the Middlesex Hospital Medical School in London wrote: "Dr. Atkins appears to be referring to the Fat Mobilising Substance, FMS. . . At present, it would be premature to designate the substance—FMS—a 'hormone,' since it has not yet satisfied the stringent scientific criteria for such a definition." Atkins claims exclusivity for his FMH, calling it "the reason it [his diet] works when all other diets fail." Again Pawan contradicts him: "FMS is produced in the body in response to the physiological stimuli of caloric deprivation, carbohydrate restriction, physical exercise, environmental cold, etc., i.e., when mobilisation of the body's fat stores are required to meet energy demands." Thus the "hormone" uniquely attributed to the Atkins' diet is apparently neither a hormone nor unique, according to the doctor who discovered the substance. Sources in the postal service indicated that mail order sales of Atkins' book are "under investigation."

The McGovern committee also discussed the dangers of the macrobiotic or "brown rice" diets of the late Japanese philosopher Georges Ohsawa. The AMA's Council on Foods and Nutrition called the macrobiotic diet "one of the most dangerous dietary regimens, posing not only serious hazards to the health of the individual but even to life itself." One woman who followed the strictest of these diets, eating almost nothing but brown rice and taking little liquid, died after nine months, her weight having dropped from 125 to less than 75 pounds. The cause of death was emaciation due to starvation.

There are sound diet and exercise programs that can help obese persons lose weight without endangering health, but none of these are "miracle diets." Those who fall for the sales pitches of latter-day snake oil merchants will get gypped at best; at the worst they will risk their health.

Peter J. Ognibene

Gas Pains

It may be true that a nation that runs on oil can't afford to run out, as the petroleum industry says in its ads, but can an administration that runs on oil afford to run out on consumers? It is a question that occurred to the skeptical when the President, in his second message on energy on April 19, urged Congress to end the Federal Power Commission's regulation of new natural gas prices at the wellhead. Also to be decontrolled, if the President's proposal is accepted, is continuing production of natural gas from wellheads on which contracts have expired. The effect would be to allow interstate gas prices to rise to marketplace levels, costing consumers hundreds of millions, perhaps billions.

The 19-page White House message came out on one of those enchanting spring days when few could work up much interest in the Mandatory Oil Import Program, to which the President administered a much-applauded *coup de grace*. The oil import quota system, which served in the 1960s to keep domestic producers from being inundated by cheap overseas crude, is declared obsolete. Thanks to an efficient overseas cartel, foreign oil is no longer cheap, we no longer want to keep it out, we want to get more of it at prices the nation can afford. All this was explained to the press (after a two-hour wait) in a briefing by Treasury Secretary George P. Shultz.

In place of quantitative restrictions, Mr. Nixon has moved to a carefully structured license fee system for imports, designed to safeguard domestic exploration and production, keep big oil from knifing the independents, and to encourage construction of badly needed refineries. The President favors the softening of clean-air curbs, permitting greater use of coal, one fossil fuel still abundant in the United States. He has hearkened to another industry plea by ordering the secretary of the Interior to triple by 1979 the annual acreage leased on the federally owned Outer Continental Shelf, the richest hunting ground for new oil and gas. Interior is to develop a long-term leasing program for all energy resources on public lands.

Very properly, the President emphasizes our soaring and often wasteful appetite for energy: "Today, with six percent of the world's population, we consume almost a third of all the energy used in the world." If this continues unchecked, a genuine "energy crisis" could develop. The cost of energy, which has been relatively cheap in this country, must come to reflect the full price society must pay for extracting it or producing it in ways consistent with protection of the environment. Mr. Nixon seems confident that good old American know-how and volunteerism will see us through. We can insulate our houses, design our buildings better, spend more on research, build deepwater ports to receive overseas oil, get going

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on the trans-Alaska pipeline, turn off the lights when we don't need them, and improve mass transit. The energy message has nothing to say about the big, heavy, gasoline-hog automobiles Detroit keeps on turning out, or about the citizens who drive them to work in solitary grandeur.

Senator Henry Jackson, who has made a hobby of a national energy policy, finds the President's message lacking in urgency. He has a point. In view of all the bother in recent months about gasoline and electricity running short and of the risks of dependence on the unstable Middle East, it is surprising that after so much study and delay Mr. Nixon did not blow more of a clarion call. A real energy shortage would be a very grave matter, and there are plenty of informed people who think that's where the country is headed, in the near, if not in the very distant, future. And they are not all alarmists.

Congress ought to look at the President's recommendations, some of them excellent, very carefully, especially the proposal on deregulation of natural gas. There is substance to the view that natural gas in interstate commerce has been priced at an artificially low level relative to oil and coal, and that this has caused imbalances. But a way must be found to rectify the imbalances without giving a windfall profit to the petroleum industry. Nearly three-quarters of natural gas production is in the hands of major oil companies. The stakes in a price increase are staggeringly high. It is estimated, on the basis of 1972 sales, that every penny increase in the wellhead price of 1000 cubic feet of gas means an added annual cost to consumers of around $225 million.

The cutting edge of the push toward higher rewards for gas producers is the Belco case, where three companies—Belco Petroleum Corp., Texaco Inc. and Tenneco Oil Co.—are seeking FPC authority to sell blocks of gas on federal leased lands off Louisiana at 45 cents a thousand cubic feet. That is 73 percent higher than the 26-cent area rate set by the commission in July 1971 with industry's endorsement. Consumer advocates and some on the FPC staff argue that the increase is not justified.

Damon Runyon wrote a story about a New York gangster who was wont to seek out a floating crap game, walk in, seize the dice, roll them in his derby hat, announce that he had made his point, pick up the money and walk out. In its partnership with the oil industry, a close one, the federal government is in somewhat the same position as the other crapshooters. It gets statistics from industry which it takes on faith. Senator Jackson says this is not good enough, and he's right.

William K. Wyant, Jr.

WILLIAM K. WYANT, JR. *is a reporter for the* St. Louis Post-Dispatch.

The Nixon Watch

A Touch of Pity

Pity for the President and for the Nixon men who are turning upon him and each other and in the process are destroying the White House establishment that I thought I had come to know pretty well in the past four years is not in fashion among my colleagues in the Nixon press corps. Nor among the few assistants who in late April were willing to talk with me about the rot of Watergate and what they think it is doing and is likely to do to the Nixon presidency. But it seems to me that a degree of compassion is in order. There is tragedy in the spectacle of a President demeaned, a presidency imperiled, and some awareness and recognition of it should be possible without condoning infamous conduct and without abetting the line of defense, now emerging at the White House, that any disclosure or comment that besmirches the President is a disservice to the country.

The attitudes discerned in the White House press room and in White House offices have more in common than one might expect. Among the reporters, the predominant note varies from subdued to ferocious satisfaction with the plight of a President whom most of us have always distrusted. The characteristic attitude toward White House staff and Cabinet types who in their time of ascendancy cloaked themselves in arrogant sanctimony and variously avoided, rebuffed, misled and abused the reporters who plagued them is typified by the journalist who remarked that he wouldn't be at all sorry to see some of these characters eating from metal trays in federal prisons. The essence of the staff attitudes toward the President and the senior assistants and advisers who are in trouble with him that I've encountered at middle and lower official levels is a somewhat more kindly but not altogether dissimilar mix of concern, disillusionment and anger.

Some recent Nixon history must be recalled in order to explain these attitudes. The erosion of the utter confidence in Mr. Nixon that once prevailed at the White House did not begin with Watergate and with the gradual disclosure of related thuggeries last summer and fall. It began with the President's treatment of his staff after his reelection last November. His cold demand for the immediate resignations of all of his assistants, at every level, and the even colder sorting out of those who could stay and those who had to leave were specifically expressed and implemented by the President's administrative chief, H. R. (Bob) Haldeman. But it was the President's doing; it was done at his command and in accordance with his declared wish to enter his second term with a reorganized and reinvigorated team. It was a brutal operation, but it was not the brutality in itself that had a permanent effect and left the surviving staff poorly prepared for the

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shock of the climactic Watergate and associated disclosures. The permanent and corrosive effect was from the demonstration that past loyalty to Richard Nixon did not ensure his loyalty in return. A doubt arose, a doubt that was sensed among the staff at the height of the reorganization last December and January but that I did not hear expressed in so many words in White House offices before mid-April. It was a doubt that Mr. Nixon really deserved the unswerving loyalty that in the first four years was the outstanding hallmark of his White House.

A quality worse than cruelty in its impact upon the staff was perceived in the way the reorganization was carried out. It was the quality of folly, a foolish and needless wasting of a priceless asset. Thus it was that the President's wisdom and judgment, in a sphere of intense and personal interest to his staff, were brought into question. It was noticed, too, that his closest and highest assistants, men such as Haldeman and John D. Ehrlichman, the assistant for domestic affairs, ordered and executed the reorganization with chilling enthusiasm and that in the course of it more power and status accrued to them. In all of this, quite apart from Watergate, there were the seeds of discontent and diminishing dedication to Richard Nixon.

One of the oddities of the President's Easter stay at his Florida home on Key Biscayne indicates his awareness not only of the current corrosion but of its roots in the events and reactions just described. Although Easter is not generally considered a season for the exchange of gladsome personal wishes, it was announced that on Easter morning the President telephoned several members of his staff in Washington "to wish them well." Among them were Haldeman, Ehrlichman and—of all people on the staff—White House Counsel John Wesley Dean III. Haldeman and Ehrlichman had deemed it necessary to hire a lawyer with whom, it was acknowledged in Florida after days of concealment, the President spent an hour in earnest and secret discussion at the White House on the previous Thursday. On that day, John Dean bypassed the White House press staff and issued from his own office a shattering statement to the effect that any White House associates who might hope or think that they could make him a Watergate scapegoat did not understand him and his implied readiness to tell all. The President himself, in a statement on the preceding Tuesday announcing his sudden discovery that Watergate was serious business and his readiness to suspend and dismiss any assistants who were indicted and convicted, indicated that Dean had been relieved of his responsibilities for investigating any possible White House involvement in the Watergate and concurrent scandals. In a mood of open contempt, Press Secretary Ronald Ziegler seemed to confirm the impression that Dean was tolerated but no longer usefully employed at the White House. The effect was to validate reported evidence that John Dean, the President's personal investigator, had been involved along with former Attorney General John Mitchell, among others in Mr. Nixon's service and confidence, in the preliminaries to the Watergate burglary and bugging.

On the Tuesday after Easter, the President's notably uncommunicative press staff confirmed a report that the President had telephoned Dean. The spokesman wouldn't confirm, but didn't have the gall to deny, an accompanying report that Mr. Nixon had said to John Dean, "You are still my counsel." The most the spokesman would admit was that Dean was among the beleaguered assistants to whom the President had conveyed his Easter regards. It was the kind of reassurance of the President's affection and concern for his staff that many on it, including the many who could have had no part in or knowledge of the Watergate and kindred misdoings, had been needing and wanting for quite awhile. It came, unfortunately for the effect that it might otherwise have had, from a President who stood in sadly obvious need of all the loyalty and protection he could command.

When Mr. Nixon flew back to Washington from Florida, he was getting the opposite of that loyalty and protection. John Ehrlichman, who was more deeply involved in the 1972 campaign than the press has generally discovered and since then has consistently and publicly derided news reports of serious campaign misbehavior, said in an interview that he argued last August for a thorough investigation of the Committee for the Re-election of the President. Clark MacGregor, who was then the committee director, said this wasn't so. The man upon whom Ehrlichman would have been duty bound to urge such an investigation was not MacGregor but the President, and the inevitable effect of the spat was to increase the spreading disbelief that Mr. Nixon could have been as innocent of all that was going on around him and in his behalf as he said in August and continued to say he was. Charles Colson, a former assistant who has resumed private law practice in Washington with the President's fervent blessing, had an associate put out the story that he, Colson, had warned Mr. Nixon in January that some of his assistants were criminally involved and should be cleaned out of the White House. Colson denied the story and the associate then explained the denial: good old Chuck, as he used to be known at the White House, wouldn't want it known that he had tried and failed in January to alert the President to the "major developments" that the President is saying he wasn't aware of until or around March 21. It's an ugly business, it's going to be uglier, and I say again that I pity the President who suffers from it and, beyond denial or evasion now, is in part responsible for it. I also pity the country. After all, the Watergate mess could leave us with President Agnew.

John Osborne

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Bittersweet Success

Anxious Japan

by Stanley Karnow

Tokyo

I had expected to find Japan brimming with the optimism and self-confidence that befits a nation destined to be the richest on earth by the end of the next decade. But despite this brilliant prospect, nearly all the officials, politicians, businessmen, editors, teachers, students and others I have seen here during the past couple of weeks appeared to be uncertain, and, in a few instances, even gloomy. Success has not been so sweet.

They are disappointed that affluence has not only failed to raise their standard of living to American and West European levels but has, to a large extent, poisoned their existence. Their congested cities are blighted by hideous traffic jams and appalling housing shortages, and prices have spiraled to peaks that would elsewhere provoke a consumers' revolt. Pollution is killing their celebrated cherry trees, and it is also killing people in places as diverse as the industrial suburb of Kawasaki and the remote fishing village of Minamata, where more than a hundred inhabitants have died as a result of organic mercury dumped by a chemical company into a nearby bay. One government employee explained to me that he moved to the outskirts of Yokohama in order to provide his children with relatively clean air. The cost of his paternal concern is four hours a day commuting to and from Tokyo in trains whose human cargoes are rammed tight by special bouncers.

Numbers of Japanese are equally disappointed by the fact that their country, for all its wealth, has not only failed to gain major world status but is assailed abroad for its dynamism. They believe that their decision to reject nuclear rearmament ought to have won them international respect, and that their enormous economic triumph alone merits their elevation into the big-power league. Thus they are hurt that their claim to a seat on the United Nations Security Council has been rebuffed, and they were even miffed at not being invited to the International Conference on Vietnam held in Paris in January. They are upset by French and German warnings that their commercial forays into Europe signal a revival of the "yellow peril," and they resent the allegations of Southeast Asians that they are building a new Greater East Asia Co-Prosperity Sphere, this time with money instead of bayonets. They were severely wounded when President Nixon violated his pledge to consult them before making his overture to Peking and soon afterward imposed an import surcharge that put pressure on the yen. In their view there is something in Henry Kissinger's attitude that recalls General de Gaulle's dismissal of them as "*commis-voyageurs en transistor*" —radio salesmen.

This extraordinary sensitivity to foreign opinion has a tangible basis, for the Japanese are almost totally dependent on overseas sources for raw materials. Their factories rely on Australian iron ore and bauxite, Philippine and Canadian copper and American coking coal, and no visitor is here more than a few hours before he is informed somewhat nervously that Japan's huge industrial machine has only a two-week supply of oil, most of it imported from the politically unreliable lands of the Persian Gulf. The Japanese feel chronically vulnerable, and their main diplomatic objective is to keep on good terms with everyone. After the Lydda airport massacre last year, for example, they officially apologized to Israel for the part played in the incident by Japanese gunmen—and they simultaneously apologized to the Arabs for having apologized to the Israelis.

With all this mood of insecurity, nothing in Japan today suggests any hint of present or potential weakness. On the contrary, the country's highly integrated social, political and economic system is probably stronger and more stable than that of any modern state. In contrast to westerners, who tend to band together in horizontal professional or religious groups, the Japanese are linked to one another, often for life, by membership in the same enterprise, which they refer to in family terms as their "household." Thus a stoker in a Nippon Steel plant maintains a closer kinship relation to the chairman of the board than he does to a stoker at the Sumitomo Metal Industries, and the bond is shared by the company executive. This system has discouraged the development of labor unions, and, as Communist spokesmen I talked with readily admit, it makes the concept of class struggle difficult if not impossible to promote.

The organization that runs Japan is essentially an oligarchy comprising the government, the bureaucracy and big business, whose members are interchangeable components. Retired bureaucrats become corporation consultants, and politicians depend for financing or advice on company executives, who in turn rely heavily on government assistance. But the notion of Japan as a national family is so deeply ingrained that

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the oligarchy considers itself obligated to respond constantly to its critics in a search to achieve consensus. During my first few days here, I was baffled by the way government officials were running off to the Diet to reply to trivial questions from minor figures. I was puzzled to learn that even Prime Minister Kakuei Tanaka had earlier bothered to answer a backbench opponent who sought to embarrass him with queries about his mistress. The explanation, I finally discovered, resides in the family concept. Everybody belongs. To ignore the most hostile Communist or Socialist—or newspaperman—is a betrayal of the national ethic.

The concern for consensus is also good politics, and it largely explains why the Liberal Democratic coalition now headed by Tanaka has remained in power so long and is likely to maintain its hold despite the rise of the Communists and Socialists in the municipalities. For in their quest for consensus, the different factions within the Liberal Democratic party succeed in keeping aware of the public mood, and thereby preempt their opponents with innovations. Former Prime Minister Ikeda doubled the gross national product in the 1960s, Eisaku Sato won the return of Okinawa from the United States, and Tanaka established diplomatic relations with China last September, just as the clamor for recognition of Peking was escalating into a domestic political issue. Tanaka currently has to deal with two large problems if he intends to overcome the disappointment of Japanese with what they consider to be their country's shortcomings. First, he must improve the quality of life in Japan. And secondly, he must work out a role for Japan in the world.

Tanaka's plan for the home front has already been blueprinted in an ambitious program known as "the remodeling of the Japanese islands," which is supposed to cost $1 trillion over the next five years. A key part of the plan is to shift industry away from its present concentration along the southern coast of Honshu, the main island, to other areas. This decentralization operation would be paralleled by the construction of a network of high-speed railways and superhighways to permit fast communications with the new cities expected to grow up. Large sums would also be spent on reducing pollution and providing the Japanese with such amenities as flushing toilets, sewers, telephones and public parks, all of which are still rarities here.

Several observers submit that the Tanaka program has already been defeated. They point out that real estate speculators have moved into areas scheduled for development, causing land prices to skyrocket, with the result that industries even now cannot afford to relocate. Others doubt that corporations will move their factories despite government incentives. Persuading people to migrate to different regions may be far more difficult.

Meanwhile Japan is edging prudently into the complex set of relationships involving China, the Soviet Union and the United States. Since September, when Tanaka went to Peking, the Sino-Japanese connection has been placid. Japanese businessmen are beginning to have second thoughts as they realize that China is not the market of their dreams. Negotiations on an aviation agreement have progressed slowly, mainly because of China's demand that Japanese aircraft that fly to Taiwan not be seen near Chinese planes on airport aprons. The Japanese are also irritated at China's objections to their hopes of developing Siberian oil and gas resources in cooperation with the Soviet Union. In addition to their concern with Chinese reactions, the Japanese dealings with Moscow are complicated by a territorial dispute with the Russians over four islands north of Hokkaido, which the Russians have occupied since World War II. The challenge to the Japanese is to bargain with both the Chinese and the Russians without becoming embroiled in their controversy.

Except for the Communists and Socialists, who spout empty slogans on the subject, nobody I encountered offered any alternative to Japan's link to the United States, which is mainly built around a security treaty that provides the Japanese with an American nuclear umbrella. Yet nobody I encountered could describe the marriage as a happy one. (Last week, plans were abandoned for a visit to the US this year by Emperor Hirohito.) The Nixon "shocks" still remain as frustrating reminders to the Japanese that they are not equal partners in the American alliance. More recently, the Japanese have been troubled by American complaints that Japan has contributed little to closing the gap in its $4 billion trade surplus with the United States.

Nixon administration spokesmen argue that the Japanese are largely reponsible for the US trade deficit because they have refused to open up to American merchandise and investment. In addition, they contend, the Japanese maintain nontariff barriers such as arcane distribution systems that further block the sale of American products coming here. The Japanese reply that the US trade deficit is a worldwide problem that could be remedied if the United States were aggressive in other markets. "We learned how to sell our goods in the United States," said a trade official the other day. "The trouble with American businessmen is that they don't have export mentalities. They want foreign markets, but they won't adapt to them."

If the prophets are correct, the Japanese will become richer and increasingly dynamic in the years ahead. Early this month, a Japanese group dedicated to slowing down the pace mobilized its followers to publicize what it calls *yukkurism*, or "leisurely steps." Nearly 3000 marchers showed up, formed into platoons and embarked upon a 40-mile hike. It was leisurely but somehow relentless.

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Why Not Try a New Game Plan?

The Collapse of Keynesianism

by Melville J. Ulmer

Four years ago President Nixon was confidently introducing the nation to his celebrated game plan, the joint product of Paul McCracken, Arthur Burns, Herbert Stein and other economic luminaries of the new administration. Business was brisk and unemployment was low, at less than 4 percent of the labor force. The problem was prices, which were rising at the alarming annual rate of more than 5 percent—the aftermath, the White House reported, of President Johnson's fiscal irresponsibility. With customary self-effacement, Mr. Nixon and his advisers announced that the game plan would soon yield full employment *without inflation.*

Today one long recession and one partial recovery later, unemployment, at 5 percent of the labor force, is well above that of 1969. Paradoxically, inflation is also worse, with the price advance zooming to an annual rate of 8 percent over the past three months. The inflation, moreover, contains a disturbing element of acceleration. During the last six months the annual rate of price increase was nearly 6 percent; over the previous six months it was not much more than 3 percent. With less persiflage than hard reasoning, Senator Muskie recently exclaimed that "the economy is now out of control." All that, and Watergate too!

Nor is any comfort to be derived from the economic record of the Nixon years as a whole. From the President's first inauguration through this early spring, prices had increased 20 percent at the retail level and 25 percent at wholesale. Since July 1970, when the initial game plan took hold, unemployment has averaged 5.8 percent of the labor force; not in a single month did it drop below 5 percent. By-products of these record shattering performances have been an expanding deficit in the balance of payments, two devaluations of the dollar, and the progressive erosion of the purchasing power of aged pensioners, welfare recipients and others on relatively fixed incomes. I make no reference here to the festering problems of welfare, poverty, energy shortages and environmental decay, but focus exclusively on economic stabilization. There it is clear that the game plan, and Phases I, II and III that followed it, have yielded the opposite of what their promoters had promised. Today the Republican disciples of free enterprise face an economic situation more troublesome and less amenable to conventional correctives, than that faced by any administration in the post-World War II era.

To describe the economic frustrations of this administration is far from explaining them, and farther still from showing how they could have been or can be avoided. Mr. Nixon's Democratic opponents have quarreled about particular points—whether public outlays are too great or too little, whether taxes are too high or too low, whether price controls should be voluntary or mandatory, comprehensive or selective; whether money is too tight or too easy. But they have not seized upon the basic truth that Mr. Nixon and his advisers have at every critical stage of decision unerringly adopted just the wrong tactic. The repeated failures are attributable to a fundamental weakness in the economic strategy that made those particular decisions necessary. That conclusion has been staunchly resisted by the President's opponents for two formidable reasons. First, the economic strategy of the Nixon administration is more or less pure Keynesian, just as the President has claimed; it is, in other words, the same as that endorsed by the Democratic party. Second, an effective alternative to Keynesian policy would require a more active and imaginative intervention by government in economic affairs than has been witnessed since the 1930s. And that course of action appears almost as gauche to Democrats these days as it has always been to Republicans.

Like generals, economic orthodoxies never die but only fade away, and the Keynesian doctrine is no exception. The fiscal and monetary policies associated with that name have been followed in the United States, loosely or strictly, ever since the Truman administration, though they have never lived up to their flamboyant billing. Whenever the economy was pumped up to reduce unemployment, inflation developed. When business activity was squeezed to retard inflation, unemployment rose. And the economy has been rocking like a seesaw as the famed Keynesian fiscal and monetary measures were brought into play to do first one, then the other. Full employment without inflation was never achieved, not even for a short period. We had full employment only at the inflationary height of the Korean war. The main difference between prior administrations and Mr. Nixon's, in chasing the will-o-the-wisp of economic stability, is that the current swings in business activity have been much more strongly biased toward inflation, reflecting the growing psychological adaptation of society to a hard fact of economic life: the virtually certain prospect

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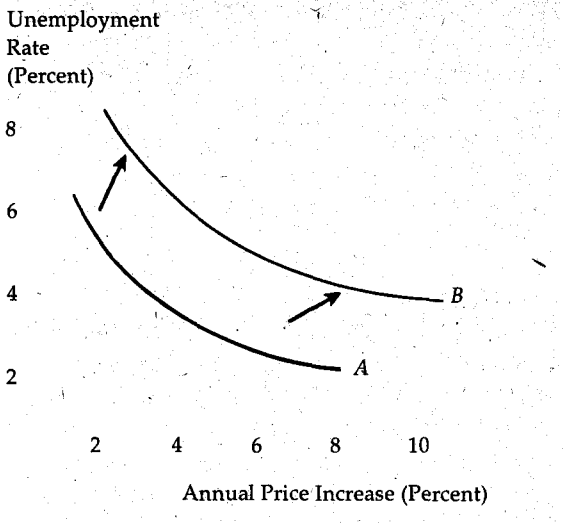
SHIFTS IN THE PHILLIPS CURVE



Source: Estimates by author from Bureau of Labor Statistics data.

of constantly rising prices.

Economists call the inverse relationship between unemployment and inflation, just described, the "Phillips curve," two examples of which are illustrated in the chart above. The lower one, curve *A*, shows the situation in the 1950s and early 1960s. Then an unemployment rate of 4 percent seemed to generate an annual price increase of about 3 or 3.5 percent. Allowing unemployment to mount to 5 percent would bring the inflationary rate down to between 2 and 2.5 percent. The unfavorable turn of circumstances in the Nixon administration is depicted by the upward shift to curve *B*. On that curve it appears that a 5 percent unemployment rate would be coupled with a sharp 6 to 8 percent annual increase in prices, which is the situation now. A 4 percent unemployment rate can be achieved only with an annual Latin American type inflation rate of about 10 percent. If the task of maintaining a stable economy was supremely difficult before, it is virtually impossible now—so long as we remain tied to the Keynesian approach, meek prisoners to the Phillips curve.

It was, of course, the intensified inflationary psychology, reflected in the upward shift of the Phillips curve, that forced direct price and wage controls upon the Nixon administration, despite its strong ideological aversions. The evidence of the shift became overpowering in the summer of 1971. The administration's previous efforts to combat inflation had succeeded in lifting the number of jobless to the highest level in 30 years. Business was poor, profits were off, the stock market was weak, and a few of the nation's most imposing corporations looked shaky. And still prices rose at an annual rate of 4 percent. It seemed that the President was destined to campaign for reelection in an economic setting in which everything was going down except unemployment and prices. So a temporary price-wage freeze was established that August, which was called Phase I, laying the groundwork for more relaxed fiscal and monetary measures and a subsequent expansion of business. Phase II followed shortly, on November 15, 1971, providing a more flexible system of controls. Phase III, at the start of this year, relaxed the controls—a move that practically everyone outside the Nixon administration thinks came too soon. So do I. But it would be foolhardy to exaggerate the contribution to stability that direct price-wage controls could have made, or can make now if they are revived and strengthened.

Even while Phases I and II were in effect the price rise was accelerating steadily from a rate of 2.6 percent in the last quarter of 1971 to 4 percent in the last quarter of 1972. Experience here as well as in Europe has shown that demand and supply conditions change constantly, rendering government regulations more irksome and constraining as time goes on. In one country after the other, including our own, the OPAs or their counterparts have crumbled under pressure. Comprehensive price-wage controls, in other words, can retard an inflation but only temporarily and within broad limits. Their usefulness is mainly in providing a breathing spell during which government can treat the fundamental causes of inflation and make the correction. But which of our administrations from Truman to Nixon has dealt with the "fundamental causes?" And what are they anyway? All that any administration has done, in the face of inflation, has been to dampen business activity and create unemployment—the standard Keynesian reaction. In the same way, at present, the setting for recession is being prepared as government expenditures are held in check and the Federal Reserve tightens the money supply. Economic adviser Stein, in a statement faintly suggestive of panic, said last week that the monetary squeeze may be reinforced by a tax increase.

The question that is raised by past experience is, *why* does the price level leap forward as the economy expands, accelerating so swiftly that it is never possible to reach, much less maintain, a level of full employment? Perhaps the most familiar answer relates to what I would rank as a *contributing* cause—the behavior of big business and unions. Prices and wages in the more monopolistic industries are pushed ahead, exercising an irresistible pressure on the price level. At present, this force has been intensified by the Agri-

UNEMPLOYMENT PERCENTAGE RATES

		Most Skilled		Least Skilled	
	All Workers	*Professional and Technical Workers*	*Managers and Administrators*	*Laborers, Nonfarm*	*Operatives*
1972	5.6	2.4	1.8	10.3	6.9
1969	3.5	1.3	0.9	6.7	4.4
1966	3.8	1.3	1.0	7.4	4.4
1961	6.7	2.0	1.8	14.7	9.6
1958	6.8	2.0	1.7	15.1	11.0

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culture Department's prior decision to cut farm output at a peculiarly strategic juncture—the eve of an unprecedented increase in demand at home and abroad. The energy crisis, another encomium to our national foresight, is an additional force for inflation. But though important, none of these factors is fundamental in the sense that if it were eliminated, the unemployment-inflation dilemma would disappear. The Phillips curve was around long before Earl Butz became secretary of Agriculture or the scarcity of energy was noticeable. And in considerable measure the aggressive behavior of monopolistic industry and labor is itself a predictable reaction to a constantly rising price level—an exacerbating result rather than a cause. By definition, monopolies are in a more advantageous position to protect themselves than others—so advantageous that I would warmly endorse a permanent authority for exercising government control to protect the public interest. Yet there is a more basic cause of the unemployment-inflation dilemma, and one that must be confronted if a serious effort to achieve stability is ever to be mounted.

I refer to a maladjustment in the nation's supply and demand for labor, an imbalance that can only be corrected by direct government intervention. The demand for labor has been preponderantly biased toward highly skilled and extensively trained personnel, increasingly so since the end of World War II. The supply of labor has been, and is, too heavily biased toward those with little or only rudimentary training. The latter—that is, the unskilled, many of the semi-skilled, and those whose crafts have become technologically obsolescent—represent a kind of submerged group in the labor force. They are unemployed all or a very large part of the time. Nor can they be absorbed into the working labor force, through crude efforts to expand the entire economy, without invoking inflationary pressures in other sectors of the labor market.

The nub of the problem is illustrated by the figures in the table on page 19. Here I list comparative unemployment rates for the two most highly skilled and the two least skilled of the Bureau of Labor Statistics occupational classifications. Notice that the impact of recessions, including the very serious ones of 1958 and 1961, is virtually negligible for professional and technical workers, managers and administrators. Their unemployment rates of 2 percent or less, maintained in those years, are quite consistent with full employment. Even in the partial recessionary year of 1972, when circumstances became most adverse for engineers, physicists and such with cutbacks in the space program and military procurement, unemployment of professional and technical workers rose to no more than 2.4 percent. In contrast, recession years were full-fledged depressions for the unskilled and the semi-skilled, throwing 10 to 15 percent out of jobs. Inflation was retarded in those years, but at whose cost?

COMING: Paul R. Wieck submits his second progress report on Common Cause

Nor does the situation change substantially for the submerged group in prosperity, though naturally there is some improvement. The more startling change, in the buoyant years of 1966 and 1969, appears in the nearly unbelievably low unemployment rates reached for the skilled and the highly trained. The figures—rates of from a little less to a little more than 1 percent—suggest strongly that jobs were chasing men. More pertinently, they indicate that long before many of the unskilled can be absorbed in jobs in private industry, highly inflationary increases are generated in wages, salaries and fees for others. It is significant that, despite the recent spectacular rise of food prices, the advance in the cost of living since January 1969 has been led by services.

We return, with this additional evidence, to a conclusion suggested earlier. It is futile to attempt to reach full employment by the crude Keynesian technique of expanding aggregate demand. Repeated attempts to do so have their main effect in stimulating inflation, leading to the subsequent "correctional" recessions. The roller coaster pattern of economic activity since World War II is a tribute to our unreasoning devotion to these self-defeating fiscal and monetary manipulations. If full employment without inflation is ever to be achieved, it must be by a more direct route.

To this end, the submerged group should be viewed as a national asset rather than a burden. It represents available manpower that can be used in the public's behalf. Yet it is wasted, even though in one way or another—through unemployment insurance, welfare or other benefits—it is maintained at public expense. What reactions would appear more logical—if we were not slaves to outmoded tradition—than to allow the unemployed to work in the public service? In mass transportation, the development of public energy resources, environmental improvement or care of children, the aged and the mentally ill—the needs are most numerous and pressing. What would be more coldly economical, considering that the jobless are available to the public at about half their cost: say an average salary of $7,000 minus the $3,000 or $4,000 that is now paid by society in any event for their maintenance? What better mode is there for rehabilitating the disadvantaged than to give them the opportunity to be useful, learn on the job, utilize whatever capacities they have, and earn their own way? Surely there is no more direct or certain route to full employment. If the

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public programs on which they worked were financed by taxation, the measure would also provide an effective antidote for inflation. And that last fact raises a question and a challenge. Can we achieve a respect for government service, a pride in public works, a spirit of imaginative common enterprise that would permit public administrators to formulate and conduct productive programs? If the answer is yes, and if our country were blessed with the creative national leadership it has missed for so long, then I think the modest net increase in taxes required might be gracefully accepted.

Let us suppose that the good things come to pass—the national leadership and a government service with repute and spirit. The following formula for economic stability would then be feasible: 1) an immediate temporary freeze on agricultural and all other prices and wages, 2) a ruthless paring of the present federal budget, cutting waste, ineffective programs and special interest subsidies especially in the defense establishment but also elsewhere, 3) enlistment of the jobless in a many-sided program in the national service, to fulfill the glaring unsatisfied needs of the public sector, 4) a rise in taxes by the amount necessary to keep the price level in balance. With this plan I believe we would realize, finally, what many economists now consider impossible—full employment without inflation.

The First Amendment is Enough

Shielding the Press

by Joseph A. Califano, Jr.

Ever since the Supreme Court's June 1972 decision in *Branzburg*, newsmen have been climbing Capitol Hill with our right-to-know hat in their right-to-print hand, begging the Congress for "shield" legislation to protect reporters from revealing their sources and unpublished notes. In *Branzburg*, the Supreme Court was asked for the first time to decide whether reporters could be compelled to give that kind of information to a grand jury. By a razor thin margin, the Supreme Court answered yes, but with many qualifications that have been lost in oversimplified headlines.

As a result of its disappointment and understandable concern with *Branzburg*, much of the press decided to move their battle to the House and Senate. But there are other more significant aspects to the Court's decision, subsequent cases in the federal courts and practical political considerations, which should give the press some second thoughts about jousting with First Amendment rights on the legislative turf.

First let's examine exactly what *Branzburg* did and did not decide. The Supreme Court had three factual situations before it:

► *Branzburg.* A staff reporter for the *Courier-Journal* in Louisville, Kentucky wrote two articles on drug usage in which he described in detail his observations of individuals smoking marijuana and making hashish. When called before a county grand jury, Branzburg refused to reveal the names of individuals he had witnessed violating federal and state drug laws.

► *Pappas.* A Massachusetts television newsman gained entrance to the local Black Panther Party headquarters during a time of serious civil disturbances in New Bedford, Massachusetts. When called before a county grand jury investigating the disturbances, Pappas refused to appear and answer any questions about the actions and statements of individuals he had observed while inside the party headquarters.

► *Caldwell.* The *New York Times* reporter assigned to cover the Black Panther Party and other black militant groups refused to appear before a federal grand jury investigating possible criminal conduct of Black Panther Party members, including threats of presidential assassination, interstate travel to incite riot, and mail fraud.

The Court held that the First Amendment did not protect Branzburg from testifying about "criminal conduct which he had observed." Pappas and Caldwell could not refuse to appear before the grand jury, the Court said, specifying the issue of appearance in

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those cases as "the only question presented at the present time." None of the three has yet appeared before the grand juries that precipitated the landmark decision; two were not even sought by those grand juries after the decision.

The majority opinion had the verbatim support of four justices (White who authored it, Burger, Blackmun and Rehnquist); four justices dissented (Douglas, Stewart, Brennan and Marshall) and Mr. Justice Powell wrote a decidedly narrow concurring opinion essential for a majority.

The majority was deeply troubled about even leveling testimonial requirements upon reporters in the limited circumstances of these cases. The source of trouble for the majority was their unequivocal conviction that "without some protection for seeking out the news, freedom of the press could be eviscerated." All nine justices stand behind that proposition. The minority four believe that under the First Amendment, news gathering is such an essential corollary to the right of the press to publish and of the public to be informed that reporters should not even have to testify before grand juries under the limited circumstances of *Branzburg, Pappas* and *Caldwell*. Mr. Justice Powell's separate opinion emphasized that only in severely limited circumstances could reporters even be required to testify before grand juries. He stressed that the competing interests must be evaluated on a case-by-case basis, and that the courts will always be available to protect the First Amendment interest in news gathering in other factual contexts.

Thus *Branzburg* firmly hitches First Amendment protection to the news gathering function of the press, though the Supreme Court concluded that requiring reporters to appear and testify before grand juries concerning crimes about which they had knowledge did not seriously impinge upon those First Amendment rights.

Now the *Branzburg* majority may not be correct (I, for one, prefer the minority opinion), particularly in view of the increase in subpoenas served on reporters in recent months. The *Bridge* and *Farr* cases are celebrated examples of how the state courts in New Jersey and California read the *Branzburg* tea leaves. *The Los Angeles Times* has spent $200,000 in legal fees to resist such subpoenas and Benjamin Bradlee, executive editor of *The Washington Post*, complains that he is spending too much time practicing law without a license, time that should be spent gathering and printing news. But this may be a temporary function of developing law, and of lawyers who are either lazy, besieged by client complaints about skyrocketing legal fees, or tempted by the publicity given to any subpoenaed reporter. *Branzburg* deserves better and more sophisticated analysis, however, and is getting it from those federal judges who have been faced with similar issues in the 10 months since the Supreme Court's decision. Without exception they have protected reporters from disclosing notes and confidential sources.

Judge Irving Kaufman, writing for a unanimous three-judge panel of the federal Court of Appeals for the Second Circuit, concluded that a writer for the *Saturday Evening Post* did not have to reveal his source, though that source had direct knowledge of facts central to the issues in an anti-blockbusting suit before the court. Neither the writer nor the publication was a party to the litigation.

The Eighth Circuit held that a reporter for *Life* magazine did not have to reveal the confidential source of allegedly libelous statements about the organized crime connections of St. Louis Mayor Cervantes who was suing *Life* for libel. The Supreme Court declined to review this case and thus let the decision stand.

The Ninth Circuit held that two staff members of the Black Panther newspaper did not have to disclose the identities of persons associated with the publication before a federal grand jury investigating threats of presidential assassination and other possible criminal conduct of Black Panther Party members.

Three federal district judges have also faced the subpoena issue. In a libel suit against the *Wallingford Post* in Connecticut, Chief Judge Blumenfeld held that the publisher did not have to reveal confidential sources who provided information that the plaintiff was mafia connected. In Washington, DC in the Watergate criminal trial, Chief Judge Sirica did order the *Los Angeles Times* reporter to give defense counsel the full verbatim tape of a conversation with the key prosecution witness, which had been excerpted on the record, so that defense counsel would have it available for purposes of impeaching that witness. But Judge Sirica refused a request of defense counsel for the unpublished notes of the reporter who had interviewed this key prosecution witness.

In the Watergate civil case between the Democrats and Republicans, Judge Richey quashed subpoenas for the testimony and unpublished material of 10 reporters and managing editorial personnel from four major publications. He held that the First Amendment protected them against even having to appear at depositions.

Thus post-*Branzburg* federal court decisions have protected reporters in connection with grand jury proceedings, in libel suits where their publications have been parties and even in a criminal trial. The magnitude of this protection can be appreciated when it is recognized that the Supreme Court, in *New York Times v. Sullivan*, has provided the best libel insurance policy the press has ever had: public figures cannot constitutionally be libeled even where a newspaper prints lies about them, unless they can prove deliberate malice or reckless disregard for the truth on the part of the reporter or publication. Together the post-*Branzburg* federal court decisions and the *Sullivan* case

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indicate that the federal courts, at least, are inclined to mold a fairly solid shield for the press.

It is true that lawyers representing private litigants have shown an increased tendency to subpoena reporters to do their work for them as the most convenient witnesses. But I believe this may be a passing phenomena, and it is interesting that public prosecutors have not stayed on the *Branzburg* bandwagon. This may not reflect a respect for the First Amendment (the attorney general's guidelines on subpoenaing reporters leave much to be desired), so much as their recognition of the fact that their public careers rise or fall at least somewhat on the way the press treats them. Where the government has tried to intimidate reporters, as in the shocking case of Jack Anderson's assistant Les Whitten and the Indian papers, it is clear that the press is not without its own weapons. Can anyone doubt that the original attempt to prosecute Whitten was turned around by the unanimous outrage in virtually every newspaper in the country? There will be other harassments; I'm not saying the *Branzburg* decision has had no chilling effect on First Amendment rights. Any inhibition on news gathering is bound to have some effect, perhaps subtle and unconscious, on the vigor with which reporters pursue their rights and obligations under the First Amendment, to say nothing of the clear and present danger to their sources. But the absolutist school of Mr. Justice Hugo L. Black is a distinctly minority view of the First Amendment; virtually all other jurists prefer to "weigh competing interests" in First Amendment cases. The issue for the press is whether it would rather have these interests weighed in the courts or in the Congress, for that is the alternative with which it is presented.

Senate and House committees have been struggling with a variety of press shield laws. Some provide "absolute" privilege (though rarely without some nod to *Branzburg*); others provide various levels of "qualified" privilege (reporters need not testify except before a grand jury, or in a criminal case, or when they witness a crime, or when their testimony goes to the "heart of the matter" before the court, etc., etc.). Senator Ervin recently introduced his third version of a "shield" law and is still not satisfied with it. Others, like Senator Gurney, are suggesting that some kind of press council with power "only" to review and report on the press be created legislatively as part of any "shield" statute. There are major disputes over how to define "reporter" and "newspaper." Before the hearings and floor debate are over, at least one other clear and present danger will be seen to lurk in the legislative halls: an "official secrets act" legislating a national security classification system that would attempt to bind the press with criminal sanctions. The first seeds of such legislation have already been planted in Senator McClellan's crime bill and in the "codification" of the criminal laws proposed by the Nixon administration a few weeks ago.

In public testimony before the committees and the cameras, reporters, editors and publishers pronounce unyielding First Amendment principles with tough eloquence and sincerity. Privately like many other lobbyists, a few of them have begun to prowl the legislative corridors, honestly believing they might be able gently to bend their constitutional spines to some acceptable compromise, "something better than *Branzburg*." In this atmosphere, the only certain result one can foresee is that the First Amendment, and with it the public's right to know—yours and mine, that is—and the printer's right to publish, will suffer. Compromise that would not be made by a five-man majority on the Supreme Court could be made, perhaps inadvertently or carelessly or in the heat of debate on the floor, if not quietly in the committee rooms.

Recent history of congressional action on public television provides a glimpse of what happens when the "free press" asks politicians for help. Over the past two years Congress and the executive branch—and the latter would have the constitutional authority to execute any shield law—have acted with such political caprice that the First Amendment rights of public television are becoming fragile indeed. We can see what is happening to the programming of public television (to be "anti-administration" is to forego public funds)—and we must wonder if the press will report on the Congress—or on congressmen who favor an "absolute" shield for newsmen—with the same robust skepticism that has heretofore characterized their coverage of all three branches of government. Private television is only one step behind its public counterpart. For there can be little disagreement about the increased sensitivity of the three networks and the broadcasters to the FCC and attacks by the administration.

The central right at stake here is the right of the public to be informed; the right of the press to publish is part of and in essential fulfillment of that right. Combined, the Supreme Court rightly characterizes these rights as "the essence of self-government." With the majesty of the rights the First Amendment bestows in trust on the press goes a sacred obligation to nourish "an informed public capable of conducting its own affairs . . ." That right and obligation are too solemn to be bartered on Capitol Hill, even by the brightest, shrewdest, best-intentioned reporters, publishers, and editors. In the long run the judiciary has been a more vigilant protector of First Amendment rights than either the executive or the legislative branches. In my opinion publishers, editors and reporters would be well advised to spend less time on Capitol Hill and devote their energies instead to the economic problems faced by newspapers and magazines, which present a far more serious threat to a free press than the *Branzburg* decision.

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Stanley Kauffmann on films

State of Siege

(Cinema V)

Scarecrow

(Warner Bros.)

The American Film Institute's new theater in the Kennedy Center has opened with a resounding thud. The very first film was supposed to be Costa-Gavras' *State of Siege*, but after George Stevens, Jr., the AFI director, had made the commitment, he discovered that this film was concerned with anti-Americanism and assassination. This may set a new high in the world history of naiveté. Doesn't Stevens read the trade papers? Hadn't he seen *Z*? What did he think that *State of Siege* was about? Didn't he ask the AFI official who saw and then booked the film?

Belatedly Stevens canceled the showing and evoked a storm of knee-jerk reactions about censorship. I can't see that a film has been censored because it wasn't shown at a particular theater in a city. (It opened in Washington shortly afterward, before it opened in New York.) And I can't see that, given his initial ineptness, Stevens had any choice but to cancel, and to take the public storm. One would have to scour pretty hard to find a less appropriate film to open a theater in Washington in a building named for a murdered President. I'm not talking about exoneration: this is one more of the many charges of executive inability that have been laid against Stevens in the last year or so. But the charges ought to be correct: not suppression but dull-wittedness.

And, of course, we can all watch the future programming of the AFI theater to see how broad the spectrum is. One further discouraging sign: the TV broadcast of the AFI's testimonial dinner to John Ford turned out to be, in good part, a testimonial dinner to President Nixon. The presence of the President, whoever it may be, at a testimonial banquet is a neat coup, and it could scarcely be a surprise that Ford said, "God bless President Nixon." But it was hard to avoid the feeling throughout the evening that Mr. Nixon was getting almost as much play as the honored guest, that the cameras and company were trying to open the watergates of adulation for him.

So it will be interesting to watch the AFI. Not in regard to such orthodox projects as its just-announced two-month Hitchcock series nor its booking of film series that have been playing around the country, useful though all these are, but for any signs of innate vitality.

State of Siege itself continues in the Costa-Gavras line—the fictional recreation of turbulent political events. It's not a field that he monopolizes, as witness Francesco Rosi, (with the forthcoming *Mattei Affair*), Gillo Pontecorvo *(The Battle of Algiers)*, and Nanni Loy *(The Four Days of Naples)*. But Costa-Gavras is good at it. This time he is in Uruguay, dealing with the 1970 abduction and eventual murder of an American AID official, Dan A. Mitrione. (Under another name.) The director did the script with Franco Solinas, who wrote *The Battle of Algiers* for Pontecorvo. The fine, chromatically acute photography is by Pierre William Glenn; most of the outdoor scenes, shot in Chile, seem to capture the very air. The one tune supplied by Mikis Theodorakis sounds like a theme from Grieg's piano concerto.

Costa-Gavras has said that it was a key decision to have the American played by Yves Montand, who has been in all his previous pictures. This was possible because the film is in French, and it was important because an American actor, however good, might have thrown the tonal elements out of whack. Montand's innate appeal is especially necessary to counterbalance that of the old German actor O. E. Hasse (dubbed?) who plays a journalist inimical to the government.

We're told before the film that all of it is factual, including the dialogues between Montand and his captors, based on tapes made by the Tupamaros. These dialogues are crucial. Montand is "tried" so that he can be justifiably executed, from the rebels' viewpoint, if his function as hostage fails—to get political prisoners released. (It does fail.) Montand finally admits that, contrary to appearances, his work in Latin American countries has been to train police in search-and-destroy missions against revolutionaries, that he does it to defend freedom and Christian civilization. He then asks his questioner what the revolutionaries want. Reply: A world that has no place for people like you. The exchange ends there, which is the one clearly incomplete moment in the film. Every dialogue has to end somewhere, but I was aching for Montand then to ask about the police in such states as Russia and China and Cuba. Also, though it's painfully clear that much of Latin America is a political sewer, it would help the film's credibility if every single policeman and government official were not portrayed as either sadis-

(continued on page 34)

Films Worth Seeing

Cabaret. Slick musical, remotely connected with Isherwood's *Berlin Stories.* Michael York better than Liza Minnelli, which is one of the things wrong with the film. But Bob Fosse directs smartly.

The Discreet Charm of the Bourgeoisie. Luis Buñuel, seventy-something and something to marvel at, plays slyly with middle-class corruption.

The Emigrants. Jan Troell photographed and directed, Max von Sydow and Liv Ullmann perform, one of the best chronicle films—about 19th-century Swedes coming to the US.

Jeremiah Johnson. Robert Redford as a Rocky Mountain trapper 130 years ago. Space, rigor, life-style.

Love. Lili Darvas is exquisite as a 96-year-old in this delicate, nearly perfect Hungarian film about the effect on one family of a police state and some things it can't affect.

Painters Painting. Rebuked for not telling *everything* about US painting, this documentary nevertheless tells a fascinating lot in interviews with 13 artists and others.

Payday. The last 36 hours in the life of a country-music star, played pungently by Rip Torn. Pleasantly different from some recent pretentiousness, it's more serious than it seems.

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Sedulus on TV

A Daddy Award?

Back in 1971 an FCC directive to the nation's broadcasters about "drug-oriented" phonograph records resulted in court action that has now squeezed an interesting statement from Judge David Bazelon of the US Court of Appeals in the District of Columbia. The FCC had said that broadcasters should exercise "responsibility," but the Yale Broadcasting Company charged that the directive was in effect an order not to play the records, hence censorship. The appeals court sided with the FCC against the broadcasting company by denying a new hearing on the case. Bazelon, dissenting, said that the FCC commissioners were themselves confused about what exercising responsibility means, and that the dissemination of confusion was not what FCC commissioners were made commissioners for. He cited particularly Commissioner Burch, who had on the one hand denied that the FCC had banned druggy lyrics, and on the other admitted that if he heard of a station playing the records he "probably would vote to take the [station's] license away." Bazelon's comment: "There is no precision here. The Commission's chameleon-like directives reflect the spectrum from confusion to deliberate obfuscation."

The particular case is not my present concern. The general issue is. Bazelon is looking, as befits a judge, for a bit of solid ground to stand on, and is therefore chiding the FCC, presumed to have some solid-ground-creating responsibility, for failing to accept that responsibility. The evidence he presents is persuasive about the particular case; but my generalized question is, where do we locate responsibility these days?

Perhaps we should have an annual National Daddy Award, or *two* such awards, one for a good and one for a bad, big daddy. On the broadcasting scene the chief candidates for the first award would be these: a) some real daddy at home who has sold all his radios and TVs, or otherwise managed to control—and thus be "responsible" for—the media slaves in his own family; b) a broadcasting company mogul who has been "responsible" for his company's losing, shall we say, its chief advertiser in a battle between right and shekels; c) a network mogul who has done the same; and d) an FCC commissioner who has finally achieved "precision" in daddiness by perhaps breaking a druggy record over his knee. For the second award the candidate would be Clay Whitehead, or maybe Nixon himself, for performing some act of "responsibility" like chopping up a public television budget or a network chief.

In the good-daddy contest the real daddy at home could be expected normally to win hands down. Yet the only real daddy of my acquaintance who has exercised any significant control over his family's media attendance in recent years (he banned TV altogether) is journalist Colman McCarthy, who was then so astonished at his success that he wrote it up in *The Washington Post*. A poll of the country as a whole would surely bear me out that nowadays family controls are, even when attempted at all, largely ineffective.

Everybody's local sociologist is full of the news that the American family is in trouble. There are many causes, among which the influence of the media, and similar forces that shift attention away from parlor and neighborhood, must be numbered; but though we are thus now fully aware of parental incapacity to *be* responsible, we do not seem to have, nationally, anything at all going to reinforce parents at their dirty job. How natural it is for the FCC to pass the buck—who has told *it* that it must serve *in loco parentis*? Yet for the FCC to pass the buck to a local broadcaster is, though sometimes appropriate, to turn a significant regulatory function over to an even weaker daddy figure than itself. Authority is increasingly impotent at the local or regional level, a basic fact of American life that we can't, in arguing such issues, ignore.

Nor can we ignore the limitations of the private-sector media daddies, whether they be local-station or network daddies, as judges of what is in the public interest. These entrepreneurs do have the pulse of their public as well as of their critics, sponsors and aspiring

Overcoat

It has lasted through
two wars, five Presidencies, a dozen jobs.
And two wives.
It has traveled on three continents.

The oldest thing I own,
it's older than I am—
spirit aside,
I have long since become what I eat.

Frayed, lining torn, pockets worn, strings
dangling like light
from the cuffs and buttonholes,
it bulges and looms. Girls

who weren't even born when I bought it
think of patching us both up.
It may still
last long

enough to go to heaven in—
an empty overcoat waving an empty sleeve,
going off like a cut kite
into the sky.

Robert Wallace

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regulators. But surrounded by pressures from all sides, their wisdom is consistently arithmetical; they need, whether they think so or not, assistance from a meditative and hopefully august body that can *deliberate* about responsibility rather than compute it.

The FCC is that body. To have White House figures entering this field as daddy is whimsical and capricious, as have been White House power plays elsewhere. On the one hand Nixon's goal appears to be to reduce congressional and federal-agency authority significantly, yet on the other he clearly assumes he can take over in their place when he feels like it. "Precision" in the determination of the public interest will not be achieved that-a-way. (A notable recent instance of Nixon's meddling occurred during negotiations on the public broadcasting circuit between the Corporation for Public Broadcasting and the station group led by Ralph Rogers. The White House seems to have engineered a breakdown in the negotiations by "an intense, 48-hour telephone campaign," according to John Carmody of *The Washington Post*. Whereupon the CPB's chairman, Republican Thomas B. Curtis, resigned, charging that the White House had "tampered with" the board's independence.)

With Nick Johnson leaving the FCC in June, and a fickle President favoring local control of the media except when he chooses to play daddy himself, the daddy picture at the FCC is not bright. Commissioner Johnson leaves with mixed marks—he antagonized his fellow commissioners and undermined his own positions by overstatement—but he is one who saw more clearly than most the dimensions of the FCC's regulatory task. He will be missed. In his place and in the place of other commissioners who may be leaving soon we can hardly expect to find appointees who believe in a strong FCC. Or, to put it differently, we can expect that such definitions of responsibility as the FCC may in the near future achieve will involve a diminution of its own role in the defining process.

Too bad. Our national fear of daddies is noble and understandable, but it is also anarchic; it is less likely to advance good television or preserve freedoms than to encourage blind following of ratings and therefore to magnify the threat to freedom that random, market-oriented media conditioning presents. Responsibility, Judge Bazelon? To whom? You know whom, said Colman McCarthy—and got rid of the tube.

In Search of Maugham

W. Somerset Maugham and the Quest for Freedom

by Robert Lorin Calder

(Doubleday; $8.95)

Despite what now appears to be gross reticence, no one has ever written better on William Somerset Maugham than Maugham himself. He seemed a model of candor. "We are shocked," he wrote in 1938, "when we discover that great men were weak and petty, dishonest or selfish, sexually vicious, vain or intemperate . . . There is not much to choose between men. They are all a hotchpotch of greatness and littleness, of virtue and vice, of nobility and baseness . . . For my part I do not think I am any better or worse than most people, but I know that if I set down every action in my life and every thought that has crossed my mind the world would consider me a monster of depravity." Perhaps in some senses the world has—abetted by the writings about him since his death, at 91, in 1965.

For reasons the newest book on Maugham makes quite clear, he assiduously cultivated a hard shell. Noel Coward, who knew him for 50 years, had his Maugham character, the aging Hugo Latymer, say in *A Song at Twilight* (1966), "I prefer to see people as they are rather than as more sentimental minds would wish them to be. However, I am a commentator, not a moralist. I state no preferences." Maugham could not afford sentimentality, which would have meant the breakdown of the carefully cultivated and curmudgeonly reserve his books and his personality projected. Melodramatically it might be said that hidden within the cynical recorder of other people's passions was a soul in torment. It would not be an overstatement.

The mode of clinical realism was as ideal for Maugham's early fiction as was the skepticism of his first plays. Both preserved the shell. The detached irony of his later manner had the same effect, even in his worldly and wise autobiographical book, *The Summing Up*, in which he observed that readers have been perennially outraged on discovering the disparity between an artist's life and his work. "They have not been able to reconcile Beethoven's idealism with his meanness of spirit, Wagner's heavenly raptures with his selfishness and dishonesty, Cervantes' moral obliquity with his tenderness and magnanimity." Perhaps we can better now reconcile Maugham's life and writings. Robert Lorin Calder's study is a major effort in that direction, although his "quest for freedom" subtitle is only a handy tag around which to construct a book which with its revelatory appendices, aspires to be as much biography as critique, notwithstanding Maugham's testamentary injunctions about biographies.

The committed writer, Maugham declared, was committed to something other than the "things in the world that more pressingly want doing: we must liberate our souls of the burden of creation." But for Maugham, writing was the process of concealment as much as of liberation. In 1900 the young author had written in his notebook in what seems in part a blast at the decadent versifiers he despised, "Am I a minor poet that I should expose my bleeding vitals to the vulgar crowd?" Up to then he had not, although his compassion emerges between the lines of *Liza of Lambeth* (1897), a grim naturalistic novel of his medical student days.

Maugham's major literary effort to bleed himself therapeutically was first written in his 20s as "The Artistic Temperament of Stephen Carey," and was—in its original form—an immature evasion of his emotional needs and a shallow, romantic novel. He was lucky: every publisher in London to whom he submitted it sent it back. It meant that years later he could publish *Of Human Bondage* (1915), one of the great novels of adolescence in English, and the purgation of the painful memories of the loneliness, humiliation and cruelty that were his legacy from the death of his mother and his growing up misunderstood in the bleak household of his vicar

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uncle and docile aunt.

Maugham was a good deal less fortunate from the standpoint of what the novel might have done in more propitious times to propel his career in fiction. It appeared early in the 1914-18 war, when readers who were moved by the protagonist's plight often were repelled by his pessimism. In the meaningless pattern of his friend Cronshaw's carpet Philip Carey discovers his intellectual and emotional liberation. Recalling the story of the oriental king who demands to know the history of man, and is told it in a single line, Philip frees himself from the search for an eternal design that would account for the waste and futility of life. "It was this," Philip remembers: "he was born, he suffered and he died. There was no meaning in life, and man by living served no end. It was immaterial whether he was born or not born, whether he lived or ceased to live. Life was insignificant and death without consequence."

The increasingly lengthy newspaper casualty lists—in small print—were then spurring churchgoers and doubters alike to search, in quiet desperation, for a divinity that shaped their ends. Even the disbelieving H. G. Wells would find, in his best-selling *Mr. Britling Sees It Through*, that "Religion is the first thing and the last thing," and that it is through fallible men that God fights against the blind forces of evil in the universe. Philip Carey's somber and uncompromising conclusion eliminates the necessity of happiness, or even for further explanation of its failure to materialize. "Whatever happened to him now would be one more motive to add to the complexity of the pattern, and when the end approached he would rejoice in its completion. It would be a work of art, and it would be none the less beautiful because he alone knew of its existence, and with his death it would at once cease to be." For those seeking theological solutions for wartime agonies Maugham had badly timed the release of the major work of his life.

In *Of Human Bondage*, Calder writes, Maugham "unashamedly bared his innermost obsessions and fears for the scrutiny of all readers, and thus it has a sincerity and credibility which appears

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Notes on Contributors

Robert Wallace's *most recent book of poems is* Ungainly Things *(Dutton).* Stanley Weintraub's *latest biography,* Whistler, *will be published this fall by McKay.*

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infrequently in his other writings." The war years following its publication, which shaped the remainder of his long life, turned him increasingly inward, insincere and defensive. In 1916 he married Syrie Wellcome, by whom he had fathered a daughter even before her divorce from her first husband. "I sought freedom," he later wrote, "and thought I could find it in marriage." He implied that he meant peace for his work from the turmoil of love affairs, and Calder suggests that the idealized picture of marriage at the close of the novel may result from his desire to so regularize his life. But Maugham's tangled temperament, perhaps largely his inheritance from the loss of mother and father in childhood, resulted in his finding no refuge in marriage, and the institution becomes an increasingly vicious and abnormal one in his stories and plays. The Gauguin-like artist, Charles Strickland, explains in *The Moon and Sixpence* (1919), "I don't want love. I haven't time for it. It's weakness. I am a man, and sometimes I want a woman. When I've satisfied my passion I'm ready for other things. I can't overcome my desire, but I hate it; it imprisons my spirit; I look forward to the time when I shall be free from all desire and can give myself without hindrance to my work." Shorn of sexual disguise the passage is revealing about Maugham himself.

By the time Maugham had married he was succumbing to another form of human bondage for which marriage became a screen. Through the Edwardian years, when he was a spectacularly successful playwright, he had been associating with literary figures of known homosexual tendencies. Yet at the same time, Calder reveals, he was involved with the original of the warmest and most winning female figure in all his work, Rosie Triffield of that small classic, *Cakes and Ale* (1930). Maugham met "Sue" (Ethelwyn) Jones, beautiful actress daughter of playwright Henry Arthur Jones, in 1904, when she was 21 and unhappily married. Maugham in his last years recalled without identifying her that they had an eight-year affair during which time she divorced her husband. Although she indulged in other promiscuities, Maugham was still eager to marry, but when he confidently proposed in 1913 he was turned down. A few months later she married the second son of the Earl of Antrim. Only then did Maugham, determined to have a heterosexual image, turn to the fash-

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ionable Syrie Wellcome. It was his greatest mistake, he confided to his novelist nephew Robin Maugham (who owned up to the same error in his recent *Escape from the Shadows*). "I tried to persuade myself that I was three-quarters normal and that only a quarter of me was queer—whereas it was the other way around."

"I often wonder," he speculated to Garson Kanin about his refusal by his "Rosie" prototype, "what course my life might have taken had it not been for that . . . freakish happenstance." The crucial happenstance, however, occurred when Maugham, on the razor's edge between homosexual and heterosexual worlds, met a charming and mesmeric American cosmopolitan. Gerald Haxton, 22 in 1914, had about him, Beverly Nichols has written, "an aura of corruption." When he drank too much his sophistication would slip, and inevitably in 1915 he was arrested in London on a charge of gross indecency. Acquitted, he became even more reckless, and a few years later he was declared an undesirable alien and barred further from England. It became, according to Robin Maugham, his uncle's major reason for living permanently abroad. By then Haxton was Maugham's secretary and constant companion. Soon Syrie, bitter and rejected, claimed a divorce.

Etched in acid, Maugham's durable plays about marriage and divorce like *The Circle* (1921), *Our Betters* (1923) and *The Constant Wife* (1927) are dismissed too readily by Calder, but they do fail to suggest much more than the prevalence of adultery in a world in which sexual conformity is a social norm rather than a human one. Any writer who suggested further sexual permutations hazarded the censorship of the Lord Chamberlain as well as his own reputation, and Maugham conducted his public (and commercial) life with a minimum of personal risk. It comes as a shock to discover that as early as October 1930 *Time* took note of his "effeminate men friends" and in April 1931, in referring to a fictional attack on him, indicated surprise that no salacious material of this nature was included.

Maugham was unscathed. What insiders knew never became public knowledge. He wrote about heterosexual relationships with a sardonic but knowing wit. He had experienced marriage and fatherhood, and although he lived most of his months abroad it was the better to fix the exotic colonial scenes of so many of his stories. He had been—as his *Ashenden* stories grippingly fictionalized in the 1920s—a British secret agent in Russia in 1917. In his best work he appeared to write with unflinching honesty. But his detachment was not altogether philosophical, and in that wall of words and reticences he may have shut himself off from greatness as a writer.

What, in the long run, Maugham asked in his latest book, *Points of View* (1959), has the writer to give but himself? "It is well that he should have breadth of vision, for life in all its extent is his province; but he can only see it with his own eyes, apprehend it with his own nerves, his own heart and his own bowels. . . ." In the same book he wrote, remembering his own medical training, about Chekhov's similar advantages: "I have reasons for believing that the training a medical student has to go through is to a writer's benefit. . . When people are ill, when they are afraid, they discard the mask which they wear in health. The doctor sees them as they really are, selfish, hard, grasping, cowardly; but brave, too, generous, kindly and good. He is tolerant of their frailties, awed by their virtues."

Maugham was less tolerant of frailty than that, and more skeptical of virtue. Still, once he had committed himself to the lie that the law in his time forced him to live, he was graphically sensitive to such dilemmas as that of his *alter ego* Willie Ashenden, who is trapped into listening to a man disclose the details of the most intimate relationship of his life. "Ashenden felt a certain indelicacy in the man's stripping his soul before him so nakedly. He did not desire this confidence to be forced upon him. . . . And Ashenden once more wished that he would stop, it made him shy and nervous to see the man's naked soul: no one has the right to show himself to another in that destitute state." Maugham refused to expose his own nakedness and destitution. In another age its fictional exploitation might have enlarged and enriched his writing. For that he was born too late—or too soon.

A more accessible Maugham begins to emerge from Calder's pages, one who had emotions, however he suppressed them, who had high standards for his own art and despised the commercial claptrap he often knowingly produced, and whose amorous life and life of intrigue can now be more closely documented. A full-scale biography will be a formidable task, given Maugham's will, his destruction of many of his papers, his having outlived so many of his contemporaries and his appraisal in his old age—as he confided to his nephew—that "every single one of the very few people who have ever got to know me well has ended up by hating me." But we can now see more of the real Maugham in *Of Human Bondage*, in *Ashenden*, and in the narrator of some of the best short stories in the language; and we can see through the *roman à clef* about English literary life in *Cakes and Ale* to the most likable—and real—woman in Maugham's life.

None of this can alter the writings which are Maugham's best claim to be remembered. Nor can any critical or biographical study improve potboiling works of his that are better forgotten. But it is an act of liberation to begin freeing Maugham from the onus of his unpleasantness as a personality so that his writings will again be read—and performed—as products of a deft and disciplined literary imagination. As Maugham himself put it, "Why should we ask more from the novelist than we ask of the poet, the composer, the painter? In point of fact there is no such thing as a 'mere' story. When he writes a story, the author, sometimes without any more intention than to make it readable, willy-nilly offers a criticism of life." And, Willie Maugham should have added, of himself.

Stanley Weintraub

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Must We Live in L.A.?

The Urban Wilderness

by Sam Bass Warner, Jr.

(Harper & Row; $12.50)

"The difficulty is that most citizens see themselves as men and women coping with the city and not as participants in its building," says Professor Warner, who would like to convert us to participation. His case takes us back through the sometimes dismal and always confused history of American cities, all the way to the old New England townships where, briefly, democracy's aspirations were faced "in group, not individual, terms . . . A rough commonalty of property prevailed, and no one was left out. Never again was popular consensus able to forge so inclusive and equitable an economic program." Once beyond the township structure, America never went back, but became committed instead to the system of private land ownership that we know, a commitment that helped preserve American individualism from a variety of feudal obligations but also made us unable to use land "as a social resource." The rights of landowners were always the first consideration, the problems of cities a poor second.

The results are what we see and live in. Urban blight was an urgent issue until President Nixon somehow decompressed it (and all other social issues), but for Warner it remains urgent. He is a reformer—if he errs anywhere in this fine book it is in sometimes being too preachy—and he would teach us to subordinate our private-interest predilections to the public need. He is particularly strong on the public obligations of corporations, pointing to the enormous organizational and planning energies and talents they now in their "maturity" display, but adding:

> If strong steps are not taken now to socialize these institutions, it seems probable that the personnel of government and private management will merge into interlocking bureaucracies placed beyond the reach of democratic supervision. Such at least is the tendency today; it is the meaning of the outcry against the military-industrial complex and the reason for the frustration of consumer and ecological reforms. If we fail to socialize soon we will have lost, through foolish devotion to our cherished myth of private property, a historic opportunity to gain social responsibility for a democratic control of the building of our society and its cities.

The bulk of the book is not, however, polemic but history. He points out that since we think of our cities as objects to cope with we have little sense of our cities' history, of how they became what they are and how their physical character is intertwined with our obsessive individualism. The central portion of the book traces three stages of city development, using New York as the archetype of the period 1820-1870, Chicago for 1870-1970, and Los Angeles for the modern megalopolitan era. The first stage was "a crowded jumble of small buildings organized as yet by only the most primitive specialization of land use"; thus a survey in 1865 of New York's Washington Square area identified 48 factories producing everything from pianos to soap, as well as "542 'stores' of all kinds and 234 'dram shops' (which we would now call bars), 23 'lager bier' saloons, 17 gambling saloons, 7 concert saloons, 76 brothels, and 22 policy shops." There were a few slum streets and fashionable streets, but no divisions like those today; commercial, industrial and residential areas were mixed, as were classes and ethnic groups.

In stage two the partitioning, zoning and segregating took place which have since been our cities' most prominent characteristics. In Chicago the pattern became fixed early, with the high-priced central business district pushing the factories out—the factories then "walled" the business district—and with the residential areas then proceeding outward in segregated rings "from inner poverty to outer affluence." The partitioning was of course not only economic but also racial, religious and ethnic—and it was perhaps the very complexity of the divisions that kept metropolitan areas from developing class consciousness; the divisions were, says Warner, "a fragmentation without a uniform political direction." And yet the fragmentation was in one respect extremely rigid: it walled in the blacks and the poor.

In stage three the central city, with spokes emerging from it and radiating rings surrounding it, was replaced by you know what. Professor Warner seems to like L.A., for which I can barely forgive him, because it did, in a way, get *planned*. He admits that L.A. "is no better than most cities when it comes to racial discrimination, segregation, and disadvantages for its poor"; and he acknowledges that some of the planning has managed merely to reinforce the old private-interest zoning syndrome of stage two—thus the new planned city of Irvine "is a social scandal—an all-white, upper-middle-class enclave. It is exactly the sort of project that at once shows the high potential of the new metropolis and its bigoted, class-bound failure to realize that potential." Yet L.A. remains an "outstanding example of regional and national planning." He thinks that what did it for L.A. was a long-term infusion of federal capital to the aircraft and war industries; he sees New York as "a casualty of the federal and corporate concentration on war just as surely as the prosperity of Los Angeles is its hero"—but anyway the L.A. planning produced the low-density, thruway-infested jungle that we know, and that, says Warner, is essentially good.

Good? At this point Warner manages briefly to lose me. I am not sure whether he likes L.A. because it seems to him to be a planned accommodation to the inevitable, or because he really thinks someone can live there, but my impression is that he is a true L.A. fan. He says for example that commuting for an hour each way to and from work on the freeways is a better way to live with America's built-in home-job separation than doing the same on an old-time trolley; and he notes with apparent approval how thoroughly L.A. has satisfied "the cultural preference of Americans for detached private homes." He does not live in L.A. himself, but near

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Boston, but he can presumably get the L.A. flavor by commuting happily on Route 128 from his detached private home to Boston U. I wish him, from a distance, well.

I note though that Jane Jacobs, the great advocate of schemes to make a stage-two city block more livable, is not even mentioned in the Warner book. Built into the Jacobs theorizing is a faith that the city block is potentially still the place where the American self-interest syndrome can be attacked and a true sense of community developed. Warner would seem to believe otherwise, yet he does not, it seems to me, face up to the anti-communal enormity of L.A., with not only its detached private homes but also its thousands of solo drivers daily sealed in their capsules.

The three "traditional goals" that our city folk have looked to, says Warner, are open competition, community and innovation. L.A. provides the open competition by making everybody mobile; and it invites, as the older and more rigid city forms do not, innovation, with its ample space and resultant planning-maneuverability. But community?

I suppose that at this point the Warner argument must be, "Look at what has been happening to all those fine city-block plans. They have *not* produced what idealist planners and architects had hoped for, but instead sterile centers of loneliness, anonymity, crime and what-all." To which I can only say, Amen, and turn away from the general problems of how a civilized urban mortal should live to the particular planning problems at hand, which is what Warner himself does. His book is not only a strong plea for planning, but a sound discussion of our past national conduct, mostly disgraceful, as planners, and of our planning potential. If "the American city is now rotten," he says, "it is rotten at the top, not the bottom"; and so he aims his guns at the corporations and the feds, and says that they are the ones who must learn to direct our essentially sound social conscience. Let us hope he is right, that the social conscience is indeed there to direct.

A thoughtful and well-written book—for planners, or even ordinary private urban landowners. It has been neglected, however, suggesting that "urban affairs" are at low tide this year.

Reed Whittemore

In Brief

Criminal Sentences: Law without Order by Marvin E. Frankel

(Hill and Wang; $5.95)

Judges in a way are ironically above the law; no one judges them, apart from their colleagues, and even then, it is relatively rare that a decision gets overturned. Most people charged with crimes, especially the poor and the uneducated, don't challenge the decisions they hear handed down. Nor do many judges indicate a willingness to oblige their critics. The law is the law; and judges are appointed or elected to interpret or enforce it—and that is that. But what of those people who fall prey to the excesses of various judges—their prejudices, their incompetence, and downright ignorance?

Marvin Frankel is himself a federal judge (the southern district of New York) and he is convinced that crimes are being committed by judges as well as criminals all over the country. Even more awful to contemplate are the institutionalized judicial injustices: the arbitrary power of parole boards; the "indeterminate sentence," which enables a judge and a group of officials appointed by the governor of a state to keep a man or woman in jail indefinitely, for life even, no matter the severity of the crime. California's prisons are full of people who might in other states have been sentenced to six months or a year, but have been behind bars for five years, 10 years and up—all because of their "attitude."

And what of the judges who quite literally go berserk on the bench, shouting and screaming at defendants, railroading some of them to jail on the flimsiest of evidence, handing down the most extreme of sentences? What about judges who are virtually senile, or alcoholic, or patently biased, or emotionally unstable? What about parole officers who may be similarly described? Judge Frankel wants our whole structure of sentencing overhauled. He urges that judges and their decisions be subject to more thorough review than is now possible. He urges that the various sentences handed down be made more rational—fitted to the nature of the crime, and not made contingent upon a given judge's arbitrary decision. He urges that judges be required to offer reasons for the sentences they hand down. He suggests strong curbs on the power not only of judges, but jailors and parole officials. And he strongly indicts the "indeterminate sentence" as a Kafka-like nightmare imposed on the most vulnerable of human beings. There is no reason to think that the present administration in Washington will take seriously this soundly argued and sensitively written book; but hopefully there will be other times, other administrations—a different spirit abroad the land. And if so, this book may well one day prove to be extremely important, suggestive and helpful.

The American Heroin Empire by Richard Kunnes, M.D.

(Dodd, Mead; $5.95)

Richard Kunnes, who is a physician, psychiatrist and founder of the Medical Liberation Front, apparently spends a lot of time in the library. He has done absolutely no original research into the "heroin empire," and whatever personal experience he may have had dealing with heroin users is not revealed in his book. In the back of the book are four pages of justly deserved acknowledgments to publications such as *The New York Times* and *Newsweek* as well as less establishmentarian organs: *The Village Voice*, *Penthouse* and *Liberation News Service* among them. These publications generously provided the author permission to reprint their articles; without them, there would have been no book. Kunnes not only patches together quotes like a quilt-maker, in some chapters he takes paragraph after paragraph verbatim for two, three or four consecutive pages.

When he does advance an idea of his own, he often shows a shallow knowledge of the heroin trade. Some of his errors are small: such as saying the CIA was smuggling heroin in "DC-3 Constellations." His most serious errors and omissions, however, are in his chosen field of medicine. He erroneously calls heroin "*the* major killer of young people" (true only for males in New York City) and then does not discuss the so-called heroin overdose phenomenon. He acknowledges that pure heroin, though addictive, does not cause bodily damage but fails to tell us *what* it is that is killing so many heroin users, although there is much

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medical literature discussing the phenomenon.

He regards the availability of heroin as a genocidal threat to the black community, but ultimately he concludes that heroin should be made legal. "Legalization would eliminate heroin as a social problem and relegate it to a more personal one," he asserts. With the drug now illegal, we have 500,000 to 600,000 heroin users and addicts in the United States. How many hundreds of thousands more would become addicts if heroin were legal cannot be predicted in advance, but statistical studies of "drug epidemics" point to a two- or threefold increase. Making heroin legal in all likelihood would drive the needle yet deeper into the veins of black America. Would the author regard such an eventuality as just a "personal problem"?

People Will Always Be Kind by Wilfred Sheed

(Farrar, Straus & Giroux; $7.95)

The reviewer starts on this latest Sheed novel with all the built-in respect for Sheed's wit, intelligence and his proven ability to create whole characters set down in recognizable situations. *Square's Progress* was a prime example of the fulfillment of this expectation; *People Will Always Be Kind*, on the contrary, is a disappointment. The wit is here—Sheed writes some wonderful conversation between intelligent and sensitive college students, and some even better, bitter, coruscating dialogue between political figures and their underlings—but the novel suffers from a structural division that breaks it literally in two.

The crucial split occurs between the biography of young Brian Casey and a tale told later and at some distance by one of Senator Brian Casey's aides in his campaign for the presidency. Brian suddenly disappears leaving a shadowy, interpreted figure. Clearly we are intended to see what the past—particularly a bout with polio—has done to Casey, how he has used it, how his sensitivity and intelligence have been honed for political use, and how his honesty has turned both sour and pragmatic. But we are never sure of all of this because the aide telling the story is one of contemporary literature's "unreliable narrators"; the reader is left with the suspicion that he may not be giving the *whole* story. And even if he is, another difficulty gets in the way: Casey's continually emphasized resemblance to real persons. His affliction is, of course, FDR's; his Irish Catholicism, intelligence, his posture as "one of our more famous liberal saints" bears a resemblance to Eugene McCarthy; and his campaign for the presidency follows vaguely that of George McGovern. The reader rocks back and forth.

It is all too bad: there is so much good writing and fine talk in *People Will Always Be Kind* that one could wish for a stronger frame and a sturdier structure.

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Life in the Iron Mills by Rebecca Harding Davis

(Feminist Press Reprint No. 1; $1.95)

The current interest in all matters concerning women has, as was inevitable but nonetheless welcome, produced its own publishing house, called The Feminist Press and centered at a branch of the State University of New York at Old Westbury. Founding persons in 1970 were, among others, Florence Howe who is about to assume the presidency of the prestigious Modern Language Association, and her husband Paul Lauter. The press has produced to date a number of children's books (one, the life of Elizabeth Blackwell, is the only book for children in the English language on a woman as doctor), a few slight but well-written biographies (of Elizabeth Cady Stanton, Elizabeth Barrett Browning and the Irish liberationist Constance de Markiewicz) and most notably, a revival of a poignant piece of fiction by Rebecca Harding Davis called *Life in the Iron Mills*.

First published in the *Atlantic Monthly* in April 1861 when the author was 30, the short work soon fell completely out of notice. Its author was the mother of Richard Harding Davis who (Tillie Olsen tells us in her long and rambling "biographical interpretation" which accompanies the book, indeed outpages it) wrote and published voluminously, and died in 1910 at 79 completely forgotten as a writer, remembered mainly in her obituary for her maternal role.

The story is full of memorable passages and is controlled by a central metaphor, the "korl woman": sculptured by a furnace tender, Hugh Wolfe, in the Virginia rolling mills.

Hugh Wolfe works his life out in the grinding horror of the steel mills but "under all the vileness and coarseness of his life, there was a groping passion for whatever was beautiful and pure." A group of sightseers in the mill catch sight of the powerful figure he has wrought from a kind of refuse from the ore after the pig metal is run, a flesh-tinged wax. While the visitors stare at the sculpture, Deborah, a hunchback who hovers around the edges of his life, steals money from the pocket of one of them and gives it to Wolfe who thinks of its possession as the way out, and into "the gates of that other world." For one night, "his artist-eye grew drunk with color." He roams his life's neighborhood in a kind of illusory farewell to it—"lanes and alleys and back-yards where the mill-hands lodged . . . the filth and drunkenness, the pig-pens, the ashheaps covered with potato skins, the bloated, pimpled women at the doors," and then he is arrested for possession of the money and given a 19-year sentence at hard labor in the penitentiary. Deborah visits him in jail and finds him scraping a bit of tin which she knows will be his means of escape from imprisonment and from life: a piece of tin "not fit to cut korl with," but strong enough to cut the veins in his arms and die.

The resemblance to Zola pervades this work (although Mrs. Olsen hastens to assure us that it predates *Germinal* by two decades). Even the imagery links it to that masterpiece of naturalism: "an eager, wolfish face [of the korl statue] watching mine . . . you have seen that look in the eyes of dumb brutes—horses dying under the lash, I know."

The faults of this small masterpiece—the omnipresence of the author is perhaps the major one—cannot obscure the fact that it is a powerful work, and one for which readers must be grateful to the Feminist Press for its restoration. An Agnes Smedley novel of the '30s, *Daughter of Earth*, is promised next; the constant reader can only praise this kind of sensitive, creative and re-creative publishing.

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Runaway Horses by Yukio Mishima

(Knopf; $7.95)

This is the second volume of Mishima's tetralogy, *The Sea of Fertility*, which is being translated and published posthumously. The time is 1932 and the focus is on a band of young rightists who are out to kill important Japanese businessmen and politicians. Their plot is betrayed, they are tried and released to plot again by a judge ready to find excuses for superpatriots. The story recalls many true episodes of the Depression era, when young officers and students, inflamed by rural poverty and a sense of their own rectitude, attempted to purge their society of its "corrupt" cosmopolitan elements and create an imperial dictatorship for the sake of the "pure" peasantry.

Runaway Horses is Mishima at less than his best. Seemingly mesmerized by the theatricality of his theme, he is too much taken in by the terrible oversimplifications his characters call reality. This may have been personally satisfying but it makes for bad fiction. No one can doubt the power of Japanese fanaticism as expressed in the rhapsodizings of these muscular young men about purity, "sun and steel," the sacred emperor. Blood runs, sweat pours; it is all very much like the locker room of the gods. But the conspirators are little more than chauvinistic posters, while their enemies, the "Westernized" capitalists, are equally caricatures. The clumsy translation would in any case obscure their springs of action; but the distance Mishima kept from the people in *Spring Snow*, first of the four novels, has been lost, and with it the humor, irony and whole complex credibility of their world.

Macaulay by John Clive

(Knopf; $15)

If somewhat too long, Clive's *Macaulay* takes a nice, thoughtful look at the young historian as a fast-talking Whig on the make. Beginning with his evangelical family upbringing it moves through his early career in Parliament and the Reform Bill debates of 1832, and ends with his return from India, famous as a lawgiver, pedagogue and all-around Victorian nabob, ready to start his epic *History of England*.

Thomas Macaulay is a notorious case of the Whig personality, described by Herbert Butterfield as that which sees "the modern world as the victory of the children of light over the children of darkness." In the modern world these days, we are more likely to take Macaulay and the other celebrants of Progress for dunces, but Macaulay, warts and all, as Clive gives him to us, is certainly no dunce, and not even a complete dogmatist—he is close to a *moraliste*, one suspicious of ideologues.

It was a delicate business being a bourgeois elitist in the young Macaulay's day, with the stupid Tories on one side and (so he thought) the mob always on the other. A good historian is needed—and Clive is that—to untangle all the big names that influenced his politics—Fox, Burke, 17th-century libertarians, the Scottish school of Hume, Bentham, Ricardo, Malthus. Though some called him "the Burke of our age," Macaulay rather liked to tell friends what a radical he was. "He then went on to explain," Clive writes, "what he meant by the term. If ever the voice of the nation would be as clearly and universally for a reform . . . he would be for it, too." Insufferable, is he not? No wonder Marx hated such gasbags. The Macaulay of 1832 was opposed to the democratic movements of his times, though like many liberals in his class, then and now, he made breathtaking claims for the transforming power of school. By contrast to Marx, he looked forward not to the triumph of the proletariat but the ultimate bourgeoisification of the human race. In that respect, Clive notes, perhaps he has not been such a bad prophet.

A Track to the Water's Edge edited by Howard Thurman

(Harper & Row; $6.95)

In most countries of the West they were to be found, the far-sighted and tough women who knew a century or more ago how unjust "civilization" could be to black people, to workers who put in so much time and energy in return for so little, and not least, to their own kind: the half of humanity which men have so persistently failed to understand or respond to as their social and political equals. This book is exceptionally interesting because it gives an account of a South African woman, Olive Schreimer, born to missionary parents in 1855, who resembles in so many ways the best of America's suffragettes. She was no doubt considered eccentric if not mad by other whites in that beautiful and then undeveloped section of Africa. She worried over the natives, insisted that women, too, ought have a say in how things are run, and in general was not afraid to show herself a cultivated, outspoken, energetic person of enormous intelligence and imagination.

The educator and philosopher Howard Thurman has chosen to gather together some of Olive Schreimer's writings, and they are well worth reading today. She was a lyric writer, in love with the land, even more in love with the poor and hard-pressed native people who year by year were being beaten down in the name of God and the English Crown, then in the name of the Boer version of "manifest destiny." She also had a keenly analytical mind. She saw how men exploit other men, but just as important, exploit women in the most blatant and relentless ways. And she saw the connection between those two kinds of exploitation, rather as Lillian Smith would (writing from

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Clayton, Georgia) much later in *Killers of the Dream.*

This South African's life might be described as the struggle of a person richly possessed of love to offer it to powerful but loveless people—those upper-class, white readers of hers who made their presence felt on all sides, and who could give her reason for sadness and bitterness, but in no way squelch her will or spirit.

Correspondence

Revenue-Sharing Bias

Sirs:

The recent article, "Big Brother's Little Spoons" (*TNR*, March 31, 1973) by Tom Geoghegan, offers yet another example of the liberal big city bias which President Nixon is determined to exploit to build his "new Republican majority."

Actually general revenue sharing is now heavily weighted in favor of big cities. In our case it reflects inequities in our local tax options and resources.

Delhi Township's per capita distribution is $3.00 while neighboring Cincinnati receives over $20.00. It appears the inference is that citizens in our residential urban community of over 26,000 are entitled to only 15 percent of the quality and/or quantity of government service Cincinnati residents receive.

It is interesting to note the same people who regularly bemoan the "Balkanization" of small governments outside the big cities are usually found working to break up big city bureaucracy through community councils, neighborhood groups, etc. to "get the government closer to the people."

Our particular "white, middle-class Republican (?) suburb" is presently governed by a township board with a Democratic majority. The constituency is that which has provided a base of support for the Democratic Party. I am not prepared to surrender suburbia to the Republicans because of the preoccupation of some Democrats with big cities to the exclusion of everywhere else. I can assure Mr. Geoghegan that our "needs" extend far beyond "schools and sewers" as he so blithely assumes.

W. Emerson Rhodes
Delhi Township, Ohio

Frankfurt Institute

Sirs:

There must be about as many errors as there are sentences in Mr. Whittemore's review of Martin Jay's *The Dialectical Imagination* (*TNR*, April 17, 1973) The name of the founder of the Frankfurt Institute for Social Research was not Horkheimer, as is amply explained in the book, nor were Erich Fromm and Walter Benjamin members during the New York years (the book says Fromm had fallen out with the others and Benjamin had committed suicide in France). Finally the name of the one-time acting director was not Pollack but Pollock. Since only seven persons are named in your review, misinformation on four of them seems an excessive percentage of permissible error. Your readers may also have picked up themselves the contradiction, in two consecutive sentences, between the reviewer's assertion that such a think-tank could not get a grant in our country today (what about the Center for Democratic Studies?) and his (correct for once) information that Columbia University offered its hospitality to the institute. Those knowledgeable about the institute and its work may point out other errors, but I wish to dwell above all on two which seem to me of historical importance: the institute was not founded to "formulate the negative," or any such nonsense which Marcuse later made popular. It published or supported a number of concrete studies on such mundane matters as the theory of the business cycle, the Chinese economy, the structure of the socialist party, the class consciousness of the workers, the psychology of authoritarian (fascist) personalities, etc. Later, it published studies on prejudice and anti-Semitism. Mr. Whittemore may not have read that far in the book, but even a minimum of general awareness of what has been going on in the last 10 years ought to have prevented his assertion that the institute was operating in an ivory tower. Apart from Sartre, it is difficult to name any intellectual who had greater influence on students than Marcuse. There is in Mr. Jay's book a lot about the relationship between theory and practice; if his reviewer does not understand the problem, he should at least have had the decency not to complain that others care.

Henry M. Pachter
New York, NY

In reply:

I did not describe Horkheimer as the founder but as one of the founders, and I cannot read pages 6-7 of Jay's book as other than confirmation of that statement. On the other hand I acknowledge that the inclusion of Fromm and Benjamin as members during the New York years was an error of parenthesis placement—my intention was to name the most important figures in the institute not in New York but during its whole history (perhaps I should have included Dr. Pachter). I also acknowledge the misspelling of Pollock.

As for the Center for Democratic Studies, I can't believe any prominent member of it would be happy to be described as a *negative* formulator of democratic studies, but I wait to be enlightened on the point. As for the Frankfurt Institute itself not being founded to "formulate the negative" I can only refer Dr. Pachter to Horkheimer's own statement, in his foreword to the Jay book, that the founders "came together with the belief that formulating the negative in the epoch of transition was more meaningful than academic careers."

I cannot as an outsider, argue with an insider about whether the institute was an ivory tower, but on this point I took all my cues from Jay who repeatedly speaks of the happy and productive isolation of the group, particularly during the New York years.

And where did I say that Marcuse was not influential?—the point is, as Jay indicates, that Marcuse's years of great influence occurred after he left the institute.

Reed Whittemore

Kauffmann, *from page 24*

tic or hypocritical. Surely even among oligarchs there is occasional sincerity?

Costa-Gavras has directed with less of the incessant camera movement that he used in *The Confession* to fight the static nature of a film about a prisoner. Here he intercuts frequently between the hunters and the hunted, but he avoids any feeling of flip-flop balance, and he stages such scenes as panoramic sweeps of police barricades and meetings of parliament with a good dramatic eye. His biggest triumph is the one that also

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distinguished Z—his ability to get excitement into a picture whose end is known beforehand. And again as in Z, he may be able to make some Americans think a bit more about this country's foreign policies.

Still, the best film by far about Latin-American politics is the four-and-a-half-hour Argentinian documentary *The Hour of The Furnaces* (*TNR*, Feb. 27, '71). Among its virtues, it doesn't pretend to be objective.

Scarecrow manages to abuse two prime American myths at once—the Road and the Male Pair. The Road, apt for America because of its size, is in fact often linked with the Pair, as in *Huckleberry Finn* (where the river is the road) and *Of Mice and Men* and *Easy Rider* and *The Hired Hand* and even *Midnight Cowboy* which begins and ends with a journey. *Scarecrow* debases both of those classic concepts.

The script by Garry Michael White is about two men who meet on a road. Gene Hackman is just out of a Western prison, Al Pacino is a sailor just off a ship. Both are thumbing their way east. Hackman wants to visit a sister in Denver, then go on to Pittsburgh and start a car wash. Pacino wants to go to Detroit to see the child whom he has never seen (by a woman he presumably never married), then will be Hackman's partner in Pittsburgh.

The script is phony from Word One. Why are these two men, who evidently have a little money, thumbing their way? Only to shove them into the Road myth. Also White seemingly wants to evoke some faint proletarian echoes of the '30s, which seem anachronistic in the '70s. This fake proletarianism is underscored when they stop in a bar and Hackman gets in a clumsily contrived brawl with a whore (gutsy, see?), which ends with their drunken roll in bed (gutsier, see?) while Pacino sort of looks the other way. (Pacino never beds anyone in the picture, though Hackman is fairly active; homage to Leslie Fiedler and the latent-homosexuality theme?)

There is no move missed toward fake symbolic realism. Hackman's Denver sister runs a junkyard (*oh*, boy). Her girl friend represents the dangers of domesticity for Hackman—and represents it by practically breaking into a striptease at her first sight of him. After Hackman and Pacino are jailed—a short term for another manufactured brawl—Pacino is befriended by a trusty who turns out, to the surprise of no one but Al, to be an aggressive homosexual. After the trusty assaults Pacino, Hackman beats the man up—in the prison hog farm. (Get *that?*)

A supposedly climactic scene is one of the worst I have seen in some time. In Detroit Pacino phones the mother of his child who tells him, falsely, that the baby is dead. He then goes dazedly to play with children in a park fountain, his heart just breaking the whole time. He ends up catatonic; catatonia never took so long to arrive.

Trust Jerry Schatzberg, who previously directed Pacino in the rotten *Panic in Needle Park*, to grab at every exaggerated fake-truthful close-up, every consciously arty strophe that the script permits. His new film is particularly foul because it subverts a latter-day trend toward some truth about American life (example: *Payday*). This story is possibly supposed to be one of transformation—Hackman developing humanity, Pacino growing up—but Schatzberg's tasteless and untalented attempts to dramatize these matters only emphasize how White's script has muffled them.

Pacino proves, to those who needed proof, that he is good only for menace; and this role has no menace. Anything other than tense gutter-rattiness is beyond him. Hackman is a good actor, badly miscast as a physical brute (Lennie in *Of Mice and Men*, but sexy). And here he wallows in actorishness, rather than in acting. Simple instance: blowing cigar smoke in the face of a girl he's hugging. That's an incredible action even for the rough-tough he's playing, and empty actions, done for their own sake, equal ham.

COMING

Stanley Kauffmann reviews *Godspell* and *The Hunters Are the Hunted* next week.

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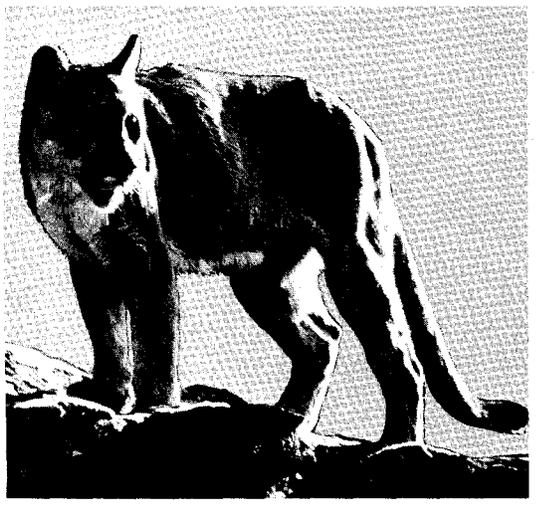

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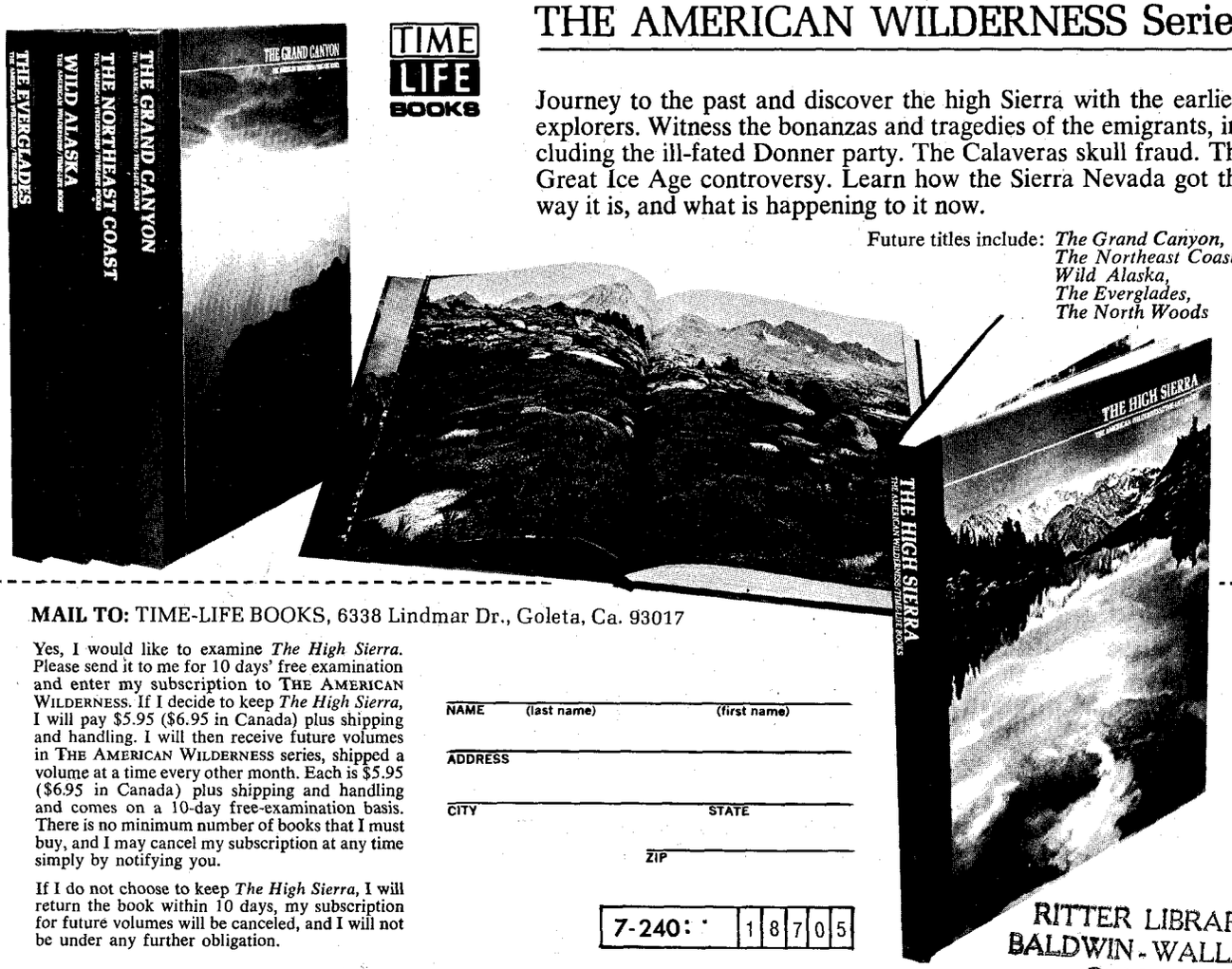

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